

**TITLE 11 CONSUMER PROTECTION DIVISION OF  
THE OFFICE OF THE ATTORNEY GENERAL**

LSA Document #02-110(F)

**DIGEST**

Amends 11 IAC 2-6-1 concerning the fees charged for the telephone privacy list. Amends 11 IAC 2-6-5 to clarify the information contained in the telephone privacy list. Adds 11 IAC 2-6-6 to prohibit unauthorized duplication or dissemination of the telephone privacy list. Effective 30 days after filing with the secretary of state.

**11 IAC 2-6-1  
11 IAC 2-6-5  
11 IAC 2-6-6**

SECTION 1. 11 IAC 2-6-1, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**11 IAC 2-6-1 Fee for obtaining telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7  
Affected: IC 24-4.7-3-1

Sec. 1. (a) The fee for obtaining the telephone privacy list on **CD-ROM or via download from the telephone privacy Web site** is ~~three seven~~ hundred fifty dollars ~~(\$300)~~. **(\$750)**. The person paying this fee is entitled to four (4) **consecutive** quarterly publications of the telephone privacy list.

(b) **The fee for obtaining the telephone privacy list in printed hard copy format is the fee established under subsection (a), plus fifteen cents (\$0.15) per page.** (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857; filed Sep 3, 2002, 3:30 p.m.: 26 IR 6*)

SECTION 2. 11 IAC 2-6-5, AS ADDED AT 25 IR 1858, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**11 IAC 2-6-5 Information contained in published telephone privacy list**

Authority: IC 4-6-9-8; IC 24-4.7-3-7  
Affected: IC 24-4.7-3-1; IC 24-4.7-3-2; IC 24-4.7-4

Sec. 5. The telephone privacy list published by the division, ~~shall~~, regardless of its form, **shall not contain only names, addresses, or other identifying information beyond** the residential telephone numbers that telephone solicitors are prohibited from calling under IC 24-4.7-4. (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-5; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1858; filed Sep 3, 2002, 3:30 p.m.: 26 IR 6*)

SECTION 3. 11 IAC 2-6, AS ADDED AT 25 IR 1858, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**11 IAC 2-6-6 Unauthorized duplication or dissemination of telephone privacy list prohibited**

Authority: IC 4-6-9-8; IC 24-4.7-3-7  
Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

**Sec. 6. A person obtaining a copy of the telephone privacy list shall not disseminate, duplicate, distribute, transmit, or photocopy the list to third parties without the prior written consent of the division. For the purpose of this section, a subsidiary in which a person has a majority ownership interest shall not be considered a third party.** (*Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-6-6; filed Sep 3, 2002, 3:30 p.m.: 26 IR 6*)

LSA Document #02-110(F)

Notice of Intent Published: 25 IR 2544

Proposed Rule Published: July 1, 2002; 25 IR 3213

Hearing Held: July 30, 2002

Approved by Attorney General: August 20, 2002

Approved by Governor: September 3, 2002

Filed with Secretary of State: September 3, 2002, 3:30 p.m.

Incorporated Documents Filed with Secretary of State: None

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**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

LSA Document #01-305(F)

**DIGEST**

Amends 50 IAC 2.3-1-1 to extend the date that county assessors may select and publish a specific set of guidelines to be used for the assessment of real property for the 2002 general reassessment. Effective 30 days after filing with the secretary of state.

**50 IAC 2.3-1-1**

SECTION 1. 50 IAC 2.3-1-1 IS AMENDED TO READ AS FOLLOWS:

**50 IAC 2.3-1-1 Applicability, provisions, and procedures**

Authority: IC 4-22-2-21; IC 6-1.1-4-26; IC 6-1.1-31; IC 6-1.1-35-1  
Affected: IC 5-3-1; IC 6-1.1-4; IC 6-1.1-15; IC 6-1.1-31-5; IC 6-1.1-31-6

Sec. 1. (a) This article applies to the assessment of all real property under IC 6-1.1-4.

(b) All real property assessed after February 28, 2002, must be assessed in accordance with the 2002 Real Property Assessment Manual, incorporated by reference under section 2 of this rule.

(c) In addition to the requirements established in the 2002 Real Property Assessment Manual and to fully address the requirements of IC 6-1.1-31-6, the county assessor must select a set of more specific guidelines to be applied by assessing officials in connection with the assessment of real property in their county. These guidelines must:

- (1) contain provisions for the determination of true tax value following the instructions in the section of the 2002 Real Property Assessment Manual entitled "Approval of Mass Appraisal Methods"; and
- (2) be approved by the state board of tax commissioners.

The state board of tax commissioners has approved the provisions contained in the "Real Property Assessment Guidelines for 2002-Version 'A'" dated May 10, 2001, incorporated by reference under section 2 of this rule. Other real property assessment guidelines proposed by a county must be submitted to, and approved by, the state board of tax commissioners before they may be used for the assessment of real property in that county.

(d) The purpose of this rule is to accurately determine "True Tax Value" as defined in the 2002 Real Property Assessment Manual, not to mandate that any specific assessment method be followed. The intent of the state board of tax commissioners is that any individual assessment is to be deemed accurate if it is a reasonable measure of "True Tax Value" as defined in the 2002 Real Property Assessment Manual. No technical failure to comply with the procedures of a specific assessing method violates this rule so long as the individual assessment is a reasonable measure of "True Tax Value", and failure to comply with the Real Property Assessment Guidelines for 2002-Version 'A' or other guidelines approved under subsection (c) does not in itself show that the assessment is not a reasonable measure of "True Tax Value".

(e) After July 1, 2001, and before ~~August~~ **November** 1, 2001, the county assessor shall make the selection required under subsection (c). The method selected under subsection (c) must be used by all the assessing officials within the county, will serve as the appropriate method for calculating an assessment that is appealed under IC 6-1.1-15, and govern throughout the effective period of the 2002 reassessment. No method, other than the method selected by the county assessor under subsection (c), may be used for the assessment of real property under IC 6-1.1-4 within the county. Before ~~August~~ **November** 1, 2001, the county assessor shall publish the selected method in accordance with IC 5-3-1 and notify the state board of tax commissioners, in writing, of the selection.

(f) If the county assessor elects, pursuant to IC 6-1.1-31-5, to consider additional factors not provided for in this rule or the manual incorporated herein by reference, the county assessor shall submit a written request for approval of such factors by the state board of tax commissioners, at least sixty (60) days before the assessments are made, and no later than January 1,

2002. (*Department of Local Government Finance; 50 IAC 2.3-1-1; filed May 23, 2001, 4:01 p.m.: 24 IR 3015; filed Aug 26, 2002, 10:36 a.m.: 26 IR 6*)

LSA Document #01-305(F)

Notice of Intent Published: 24 IR 4013

Proposed Rule Published: December 1, 2001; 25 IR 835

Hearing Held: December 27, 2001

Approved by Attorney General: August 8, 2002

Approved by Governor: August 14, 2002

Filed with Secretary of State: August 26, 2002, 10:36 a.m.

Incorporated Documents Filed with Secretary of State: None

## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-2(F)

### DIGEST

Amends 312 IAC 3-1 that governs adjudicatory procedures by the natural resources commission and its division of hearings. The amendments would incorporate and coordinate responsibilities of the division of hearings with respect to its responsibilities to the Indiana board of registration for soil scientists. Makes technical changes. Effective 30 days after filing with the secretary of state.

**312 IAC 3-1-1**

**312 IAC 3-1-2**

**312 IAC 3-1-3**

**312 IAC 3-1-8**

**312 IAC 3-1-14**

**312 IAC 3-1-18**

SECTION 1. 312 IAC 3-1-1 IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 3-1-1 Administration**

**Authority:** IC 14-10-2-4; IC 25-31.5-3-8

**Affected:** IC 4-21.5; IC 14; IC 25-17.6

Sec. 1. (a) This rule controls proceedings governed by IC 4-21.5 for which the commission, or an administrative law judge for the commission, is the ultimate authority.

(b) An affected person who is aggrieved by a determination of:

- (1) the director;
- (2) a delegate of the director;
- (3) a board (other than the commission when acting as the ultimate authority);
- (4) a delegate of the board (other than an administrative law judge);
- (5) a person who has been delegated authority under 312 IAC 2-2; ~~or~~
- (6) the ~~Indiana~~ board of certification licensure for professional geologists under IC 25-17.6; ~~or~~
- (7) the ~~Indiana~~ board of registration for soil scientists under IC 25-31.5;

may apply for administrative review of the determination under IC 4-21.5 and this rule.

(c) As used in this rule, “division director” refers to the director of the division of hearings of the commission. (*Natural Resources Commission; 312 IAC 3-1-1; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1317; filed Oct 19, 1998, 10:12 a.m.: 22 IR 748; filed Aug 29, 2002, 1:03 p.m.: 26 IR 7*)

SECTION 2. 312 IAC 3-1-2, AS AMENDED AT 25 IR 1543, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 3-1-2 Ultimate authority**

**Authority:** IC 14-10-2-4; IC 25-31.5-3-8

**Affected:** IC 4-21.5-4; IC 14-34-4-13; IC 14-34-15-7; IC 25-17.6; IC 25-31.5

Sec. 2. (a) Except as provided in subsection (b), the commission is the ultimate authority for the department and any department board.

(b) An administrative law judge is the ultimate authority for an administrative review under the following:

- (1) An order under IC 14-34, except for a proceeding:
  - (A) concerning the approval or disapproval of a permit application or permit renewal under IC 14-34-4-13; or
  - (B) a proceeding for suspension or revocation of a permit under IC 14-34-15-7.
- (2) An order granting or denying temporary relief under IC 14-34 or an order voiding, terminating, modifying, staying, or continuing an emergency or temporary order under IC 4-21.5-4.
- (3) An order designated as a final order in section 9 of this rule.

(c) An administrative law judge is also the ultimate authority for the following:

- (1) The Indiana board of licensure for professional geologists under IC 25-17.6.
- (2) The Indiana board of registration for soil scientists under IC 25-31.5.

(*Natural Resources Commission; 312 IAC 3-1-2; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1317; filed Oct 19, 1998, 10:12 a.m.: 22 IR 749; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1543; filed Aug 29, 2002, 1:03 p.m.: 26 IR 8*)

SECTION 3. 312 IAC 3-1-3, AS AMENDED AT 25 IR 1543, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 3-1-3 Initiation of a proceeding for administrative review**

**Authority:** IC 14-10-2-4; IC 25-31.5-3-8

**Affected:** IC 4-21.5-3-7; IC 4-21.5-3-8; IC 4-21.5-4; IC 14-34; IC 14-37-9; IC 25

Sec. 3. (a) A proceeding before the commission, under IC 4-21.5, as well as administrative review of a determination of the **Indiana board of licensure for professional geologists or the**

**Indiana board of registration for soil scientists**, is initiated when one (1) of the following is filed with the Division of Hearings, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana:

- (1) A petition for review under IC 4-21.5-3-7.
- (2) A complaint under IC 4-21.5-3-8.
- (3) A request for temporary relief under IC 14-34.
- (4) A request to issue or for review of an issued emergency or other temporary order under IC 4-21.5-4.
- (5) A request concerning an integration order under IC 14-37-9.
- (6) An answer to an order to show cause under section 5 of this rule.
- (7) A referral by the director of a petition for and challenge to litigation expenses under section 13(g) of this rule.

(b) As soon as practicable after the initiation of administrative review under subsection (a), the division director shall appoint an administrative law judge to conduct the proceeding. (*Natural Resources Commission; 312 IAC 3-1-3; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1317; filed Oct 19, 1998, 10:12 a.m.: 22 IR 749; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1543; filed Aug 29, 2002, 1:03 p.m.: 26 IR 8*)

SECTION 4. 312 IAC 3-1-8 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 3-1-8 Administrative law judge; automatic change**

**Authority:** IC 14-10-2-4; IC 25-31.5-3-8

**Affected:** IC 4-21.5-4; IC 14-34; IC 25

Sec. 8. (a) In addition to the reasons stated for the disqualification of an administrative law judge under IC 4-21.5, an automatic change of administrative law judge may be obtained under this section.

(b) A party, within ten (10) days after the appointment of an administrative law judge, may file a written motion for change of the administrative law judge without specifically stating the ground for the request.

(c) The administrative law judge shall grant a motion filed under subsection (b) and promptly notify the division director. The division director shall inform the parties of the names of two (2) other individuals from whom a substitute administrative law judge may be selected. A party who is opposed to the party who filed the motion under subsection (b) may, within five (5) days, select one (1) of the individuals named by the division director to serve as the substitute administrative law judge. In the absence of a timely designation by an opposing party under this subsection, the selection shall be made by the division director.

(d) This section does not apply:

- (1) where a previous change of administrative law judge has been requested under this section;

- (2) to a proceeding under IC 4-21.5-4;
- (3) to temporary relief under:
  - (A) IC 13-4.1 before its repeal; or
  - (B) IC 14-34;
- (4) if an administrative law judge has issued a stay or entered an order for disposition of all or a portion of the proceeding; ~~or~~
- (5) if the commission orders a suspension of the section where its continued application is impracticable as a result of inadequate staffing; ~~or~~
- (6) to a proceeding to review a determination by the Indiana board of licensure for professional geologists or the Indiana board of registration for soil scientists.**

*(Natural Resources Commission; 312 IAC 3-1-8; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1319; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1365; filed Aug 29, 2002, 1:03 p.m.: 26 IR 8)*

SECTION 5. 312 IAC 3-1-14, AS AMENDED AT 25 IR 1543, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 3-1-14 Court reporter; transcripts

**Authority:** IC 14-10-2-4; IC 25-31.5-3-8  
**Affected:** IC 14; IC 25-17.6; IC 25-31.5

Sec. 14. (a) The commission (or, for administrative review of orders under IC 25-17.6, the **Indiana board of licensure for professional geologists or under IC 25-31.5, the Indiana board of registration for soil scientists**) shall employ and engage the services of a stenographer or court reporter, either on a full-time or a part-time basis, to record evidence taken during a hearing.

(b) A party may obtain a transcript of the evidence upon a written request to the administrative law judge.

(c) The party who requests a transcript under subsection (b) shall pay the cost of the transcript:

- (1) as billed by the court reporting service; or
- (2) if the transcript is prepared by an employee of the commission, as determined from time to time by the commission on a per page basis after consideration of all expenses incurred in the preparation of the transcript.

(d) For a proceeding in which the commission or its administrative law judge is the ultimate authority, a court reporter who is not an employee of the commission will be engaged to record a hearing upon a written request by a party filed at least forty-eight (48) hours before a hearing. *(Natural Resources Commission; 312 IAC 3-1-14; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1322; filed Oct 19, 1998, 10:12 a.m.: 22 IR 750; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1543; filed Aug 29, 2002, 1:03 p.m.: 26 IR 9)*

SECTION 6. 312 IAC 3-1-18, AS AMENDED AT 25 IR 1544, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 3-1-18 Petitions for judicial review

**Authority:** IC 14-10-2-4; IC 25-31.5-3-8  
**Affected:** IC 4-21.5-5-8; IC 14; IC 25

Sec. 18. (a) A person who wishes to take judicial review of a final agency action entered under this rule shall serve copies of a petition for judicial review upon the persons described in IC 4-21.5-5-8.

(b) The copy of the petition required under IC 4-21.5-5-8(a)(1) to be served upon the ultimate authority shall be served at the following address:

Division of Hearings  
 Natural Resources Commission  
 Indiana Government Center-South  
 402 West Washington Street, Room W272  
 Indianapolis, Indiana 46204.

This address applies whether the commission or an administrative law judge is the ultimate authority.

(c) Where the department or the state historic preservation review board is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Director  
 Department of Natural Resources  
 Indiana Government Center-South  
 402 West Washington Street, Room W256  
 Indianapolis, Indiana 46204.

(d) Where the **Indiana board of licensure for professional geologists** is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:

Indiana State Geologist  
 Indiana University  
 611 North Walnut Grove  
 Bloomington, Indiana 47405-2208.

**(e) Where the Indiana board of registration for soil scientists is a party to a proceeding under this rule, a copy of the petition required under IC 4-21.5-5-8(a)(4) to be served upon each party shall be served at the following address:**

**Office of Indiana State Chemist  
 Purdue University  
 1154 Biochemistry  
 West Lafayette, Indiana 47907-1154.**

**(f)** The commission and its administrative law judge provide the forum for administrative review under this rule. Neither the commission nor the administrative law judge is a party. *(Natural Resources Commission; 312 IAC 3-1-18; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1323; filed Oct 19, 1998, 10:12 a.m.: 22 IR 750; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Aug 29, 2002, 1:03 p.m.: 26 IR 9)*

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## Final Rules

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LSA Document #02-2(F)

Notice of Intent Published: 25 IR 1670

Proposed Rule Published: May 1, 2002; 25 IR 2552

Hearing Held: May 27, 2002

Approved by Attorney General: August 13, 2002

Approved by Governor: August 28, 2002

Filed with Secretary of State: August 29, 2002, 1:03 p.m.

Incorporated Documents Filed with Secretary of State: None

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### TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #99-177(F)

#### DIGEST

Repeals 326 IAC 11-5 concerning fluoride emissions for existing aluminum plants. Effective 30 days after filing with the secretary of state.

#### HISTORY

First Notice of Comment Period: September 1, 1999, Indiana Register (22 IR 3997).

Second Notice of Comment Period and Notice of First Hearing: November 1, 2001, Indiana Register (25 IR 555).

Date of First Hearing: February 6, 2002.

Proposed Rule and Notice of Second Hearing: March 1, 2002, Indiana Register (25 IR 1984).

Date of Second Hearing: June 5, 2002.

#### 326 IAC 11-5

SECTION 1. 326 IAC 11-5 IS REPEALED.

LSA Document #99-177(F)

Proposed Rule Published: March 1, 2002; 25 IR 1984

Hearing Held: June 5, 2002

Approved by Attorney General: August 12, 2002

Approved by Governor: August 27, 2002

Filed with Secretary of State: August 28, 2002, 1:48 p.m.

Incorporated Documents Filed with Secretary of State: None

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### TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #00-43(F)

#### DIGEST

Amends 326 IAC 11-4-5 concerning particulate emission limits for Knauf Fiber Glass in Shelbyville, Indiana. Updates references to equipment to reflect current operations and deletes references to equipment that no longer exists and associated emission limits. Effective 30 days after filing with the secretary of state.

#### HISTORY

First Notice of Comment Period: March 1, 2000, Indiana Register (23 IR 1488).

Second Notice of Comment Period and Notice of First Hearing: November 1, 2000, Indiana Register (24 IR 555).

Change in Notice of First Hearing: February 1, 2001, Indiana Register (24 IR 1375).

Change of Notice of First Hearing: March 1, 2002, Indiana Register (25 IR 1926).

Date of First Hearing: March 6, 2002.

Proposed Rule and Notice of Public Hearing: April 1, 2002, Indiana Register (25 IR 2285).

Date of Second Hearing: May 1, 2002.

#### 326 IAC 11-4-5

SECTION 1. 326 IAC 11-4-5 IS AMENDED TO READ AS FOLLOWS:

#### 326 IAC 11-4-5 Shelby County

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-17-1; IC 13-17-3

Sec. 5.

Shelby County

Source: Knauf Fiber Glass

~~Max:~~ **Maximum** Hourly Emission

Facility Description	Rate lbs/hour
<del>203 oven</del>	<del>3.96</del>
<del>204 605 oven</del>	8.00
<del>304 oven</del>	<del>1.05</del>
601 Forming plus oven	28.28
603 Forming plus oven	16.49
<del>1101 oven</del>	<del>0.16</del>
<del>1102 oven</del>	<del>0.16</del>
<del>1103 oven</del>	<del>0.16</del>
<del>1104 oven</del>	<del>0.16</del>
<del>1110 oven</del>	<del>0.16</del>
<del>1111 oven</del>	<del>0.16</del>
602 Forming plus oven	33.27

Superfine Processes

<del>203 furnace</del>	<del>9.47</del>
<del>204 605 furnace</del>	10.00
<del>203 forming</del>	<del>19.90</del>
<del>204 605 forming</del>	15.00

(Air Pollution Control Board; 326 IAC 11-4-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2552; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed Aug 28, 2002, 1:50 p.m.: 26 IR 10)

LSA Document #00-43(F)

Proposed Rule Published: April 1, 2002; 25 IR 2285

Hearing Held: May 1, 2002

Approved by Attorney General: August 12, 2002

Approved by Governor: August 27, 2002

Filed with Secretary of State: August 28, 2002, 1:50 p.m.

Incorporated Documents Filed with Secretary of State: None

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**TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

LSA Document #01-376(F)

**DIGEST**

Amends 675 IAC 14-4.2, the 2001 Indiana Residential Code, so as not to be in conflict with provisions of the 2002 Indiana Electrical Code, 675 IAC 17-1.6. Adds 675 IAC 17-1.6, which adopts by reference and amends the 2002 National Electrical Code 2002 edition first printing, and Errata to the First Printing (Errata date January 18, 2002), both published by the National Fire Protection Association, as the Indiana Electrical Code, 2002 Edition. Repeals 675 IAC 17-1.5. Effective 30 days after filing with the secretary of state.

675 IAC 14-4.2-181.1	675 IAC 14-4.2-192.2
675 IAC 14-4.2-182.1	675 IAC 14-4.2-192.3
675 IAC 14-4.2-185.1	675 IAC 14-4.2-192.4
675 IAC 14-4.2-187	675 IAC 14-4.2-192.5
675 IAC 14-4.2-187.1	675 IAC 14-4.2-192.6
675 IAC 14-4.2-187.2	675 IAC 14-4.2-193.1
675 IAC 14-4.2-187.3	675 IAC 14-4.2-193.2
675 IAC 14-4.2-187.4	675 IAC 14-4.2-193.3
675 IAC 14-4.2-190.1	675 IAC 14-4.2-193.4
675 IAC 14-4.2-190.2	675 IAC 14-4.2-193.5
675 IAC 14-4.2-190.3	675 IAC 14-4.2-194.1
675 IAC 14-4.2-190.4	675 IAC 14-4.2-194.2
675 IAC 14-4.2-190.5	675 IAC 14-4.2-194.3
675 IAC 14-4.2-191.1	675 IAC 14-4.2-194.4
675 IAC 14-4.2-191.2	675 IAC 14-4.2-194.5
675 IAC 14-4.2-191.3	675 IAC 14-4.2-194.6
675 IAC 14-4.2-191.4	675 IAC 14-4.2-194.7
675 IAC 14-4.2-191.5	675 IAC 17-1.5
675 IAC 14-4.2-192.1	675 IAC 17-1.6

SECTION 1. 675 IAC 14-4.2-181.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-181.1 Section E3301.2; scope**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 181.1. Change Section E3301.2 to read as follows: Chapters 1 and 33 through 42 shall cover the installation of electrical systems, equipment, and components for the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems that are part of a Class 1 structure-townhouse or Class 2 structure-1 and 2 family dwelling.

**Exception: This section does not require the installation of an electrical system in Class 2 structures.**

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-181.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 11*)

SECTION 2. 675 IAC 14-4.2-182.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-182.1 Section E3302.2; penetrations of fire-resistance-rated assemblies**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 182.1. Delete “Section R320.2” in the last sentence and replace with “Section R321”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-182.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 11*)**

SECTION 3. 675 IAC 14-4.2-185.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-185.1 Section E3306.5; individual conductor insulation**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 185.1. Delete the second sentence in Section E3306.5 without substitution. Delete the period after the last sentence and add “in accordance with Table E3605.1.”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-185.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 11*)**

SECTION 4. 675 IAC 14-4.2-187 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-187 Section E3401; general**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187. Change Section E3401 as follows: (a) Delete the definition of APPROVED and substitute to read as follows: See the definition of APPROVED in SECTION R202.

**(b) Delete the definition of BRANCH CIRCUIT, GENERAL PURPOSE and substitute: A branch circuit that supplies two (2) or more receptacles or outlets for lighting and appliances.**

**(c) Delete the definition of GROUND-FAULT CIRCUIT-INTERRUPTER and substitute: A device intended for the protection of personnel that functions to de-energize a circuit or portion thereof within an established period of time when a current to ground exceeds the values established for a Class A device.**

**(b) (d) Delete the definition of LABELED and substitute as follows: See the definition of LABELED in SECTION R202.**

**(c) (e) Delete the definition of LISTED and substitute to read as follows: See the definition of LISTED AND LISTING in SECTION R202. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-187; filed May 23, 2001, 4:02 p.m.: 24 IR 3062; errata filed Jun 12, 2001, 2:18 p.m.: 24 IR 3070; filed Aug 14, 2002, 4:20 p.m.: 26 IR 11*)**

SECTION 5. 675 IAC 14-4.2-187.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-187.1 Section E3501.6.2; service disconnect location**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187.1. At the end of Section E3501.6.2, add a sentence to read as follows: “Conductors shall be considered outside of a building or structure under any of the following conditions:

- (1) where installed under not less than 51 mm (2 in.) of concrete beneath a building or other structure,
- (2) where installed within a building or other structure in a raceway that is encased in concrete or brick not less than 51 mm (2 in.) thick, or,
- (3) where installed in conduit and under not less than 457 mm (18 in.) of earth beneath a building or other structure.”.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-187.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12*)

SECTION 6. 675 IAC 14-4.2-187.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-187.2 Table E3503.1; service conductor and grounding electrode conductor sizing**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187.2. Delete all references to insulation types without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-187.2; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12*)

SECTION 7. 675 IAC 14-4.2-187.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-187.3 Section E3504.2.1; above roofs**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187.3. In Exception 1, after “pedestrian”, insert “or vehicular”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-187.3; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12*)

SECTION 8. 675 IAC 14-4.2-187.4 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-187.4 Section E3505.5; protection of service cables against damage**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187.4. Delete “rigid nonmetallic conduit suitable for

the location” and insert “Schedule 80 rigid nonmetallic conduit”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-187.4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12*)

SECTION 9. 675 IAC 14-4.2-190.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-190.1 Section E3602.10; branch circuits serving heating loads**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 190.1. In the second sentence, insert “25” to the list of circuit ratings. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-190.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12*)

SECTION 10. 675 IAC 14-4.2-190.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-190.2 Section E3602.12; branch circuits serving room air conditioners**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 190.2. In item 4, delete “or the rating of the branch-circuit conductors,”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-190.2; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12*)

SECTION 11. 675 IAC 14-4.2-190.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-190.3 Section E3602.12.1; where no other loads are supplied**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 190.3. Delete “appliances are also supplied” and insert “loads are supplied”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-190.3; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12*)

SECTION 12. 675 IAC 14-4.2-190.4 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-190.4 Section E3602.12.2; where lighting units or other appliances are also supplied**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 190.4. Delete the text and substitute: The total marked rating of a cord-and-attachment-plug-connected room air conditioner shall not exceed 50 percent of the rating of a branch circuit where lighting outlets, other appliances, or general-use receptacles are also supplied. Where the circuitry is interlocked to prevent simultaneous

operation of the room air conditioner and energization of other outlets on the same branch circuit, a cord-and-attachment-plug-connected room air conditioner shall not exceed 80 percent of the branch-circuit rating. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-190.4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 12)*

SECTION 13. 675 IAC 14-4.2-190.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-190.5 Section E3703.3; protection from damage**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 190.5.** In the third sentence of Section E3703.3, delete “service laterals” and substitute “underground service conductors”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-190.5; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13)*

SECTION 14. 675 IAC 14-4.2-191.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-191.1 Section E3801.4.5; receptacle outlet location**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 191.1. (a)** Change the first statement to read: Receptacle outlets shall be located above, but not more than 20 inches (508 mm) above the countertop.

**(b)** In the first sentence of the exception, change “18 inches (458 mm)” to “20 inches (508 mm)”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-191.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13)*

SECTION 15. 675 IAC 14-4.2-191.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-191.2 Section E3801.6; bathroom**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 191.2.** Delete the second sentence and substitute: The receptacle outlet shall be located on a wall or partition that is adjacent to the basin or basin countertop. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-191.2; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13)*

SECTION 16. 675 IAC 14-4.2-191.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-191.3 Section E3801.9; basements and garages**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 191.3.** In the last sentence, change “in the unfinished portion” to “in each separate unfinished portion”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-191.3; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13)*

SECTION 17. 675 IAC 14-4.2-191.4 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-191.4 Section E3802; ground-fault and arc-fault circuit-interrupter protection**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 191.4.** Add Section E3802.7.1 after Section E3802.7 to read: Boathouses. All 125-volt, single-phase, 15- or 20-ampere receptacles installed in boathouses shall have ground-fault circuit-interrupter protection for personnel. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-191.4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13)*

SECTION 18. 675 IAC 14-4.2-191.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-191.5 Section E3802.8; exempt receptacles**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 191.5.** Change to read as follows: Receptacles installed under exceptions to Sections E3802.2 and E3802.5 shall not be considered as meeting the requirements of Section E3801.9. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-191.5; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13)*

SECTION 19. 675 IAC 14-4.2-192.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-192.1 Section E3803.3; additional locations**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 192.1.** In the second sentence, the third sentence, and the Exception, delete “egress door” and substitute “entrances or exits”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-192.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13)*

SECTION 20. 675 IAC 14-4.2-192.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-192.2 Section E3805.1; box, conduit body, or fitting; where required**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 192.2.** In the first sentence, after “junction point”,



**insert “, termination point”.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-192.2; filed Aug 14, 2002, 4:20 p.m.: 26 IR 13*)

SECTION 21. 675 IAC 14-4.2-192.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-192.3 Section E3805.3.1; nonmetallic-sheathed cable and nonmetallic boxes**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 192.3.** After “Where nonmetallic-sheathed cable”, insert “or multiconductor Type UF cable”. After “¼ inch (6.4 mm)”, insert “and beyond any cable clamp”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-192.3; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 22. 675 IAC 14-4.2-192.4 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-192.4 Section E3805.3.2; securing to box**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 192.4.** In the exception, after “Where nonmetallic-sheathed”, insert “or multiconductor Type UF”. At the end of the exception, insert “Multiple cable entries shall be permitted in a single cable knockout opening”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-192.4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 23. 675 IAC 14-4.2-192.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-192.5 Section E3806.5; in wall or ceiling**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 192.5.** In the first sentence, after “tile”, insert “, gypsum, plaster”. In the second sentence, after “combustible”, insert “surface”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-192.5; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 24. 675 IAC 14-4.2-192.6 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-192.6 Section E3806.8.2.1; nails**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 192.6.** Change the section heading to “Nails and screws”. In the text, delete “Nails”, and insert “Nails and screws,”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-192.6; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 25. 675 IAC 14-4.2-193.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-193.1 Section E3808.8; types of equipment grounding conductors**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 193.1.** Delete the first phrase in Item 1 and insert “A copper, aluminum, or copper-clad aluminum conductor”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-193.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 26. 675 IAC 14-4.2-193.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-193.2 Section E3901.3; indicating**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 193.2.** In the second sentence, delete “single throw”. Add an exception to read as follows: “Vertically operated double-throw switches shall be permitted to be in the closed (on) position with the handle in either the up or down position”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-193.2; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 27. 675 IAC 14-4.2-193.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-193.3 Section E3902.12; outdoor installation**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 193.3.** Delete Section E3902.12 without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-193.3; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 28. 675 IAC 14-4.2-193.4 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-193.4 Section E3903.11; fixtures in clothes closets**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 193.4.** In Item 4, delete “on”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-193.4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 29. 675 IAC 14-4.2-193.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-193.5 Table E4103.5; overhead conductor clearances**

**Authority:** IC 22-13-2-2; IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 193.5.** In the second column, change “22” to “22.5”, and change “14” to “14.5”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-193.5; filed Aug 14, 2002, 4:20 p.m.: 26 IR 14*)

SECTION 30. 675 IAC 14-4.2-194.1 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-194.1 Section E4104.1; bonded parts**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 194.1.** At the end of Item 1, add a sentence to read as follows: Where reinforcing steel is encapsulated with a nonconductive compound, provisions shall be made for an alternative means to eliminate voltage gradients that would otherwise be provided by unencapsulated, bonded reinforcing steel. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-194.1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

SECTION 31. 675 IAC 14-4.2-194.2 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-194.2 Section E4106.8.2; other enclosures**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 194.2.** Add requirement 6 to read as follows: 6. Comprised of copper, brass, suitable plastic, or other approved corrosion-resistant material. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-194.2; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

SECTION 32. 675 IAC 14-4.2-194.3 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-194.3 Section E4106.9.2; wiring methods**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 194.3.** In the first sentence, after “corrosion-resistant metal,” insert “, liquidtight flexible nonmetallic conduit (LFNC-B)”. In the second sentence, after the words “rigid nonmetallic conduit,” insert “or liquidtight flexible nonmetallic conduit”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-194.3; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

SECTION 33. 675 IAC 14-4.2-194.4 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-194.4 Section E4106.10; electrically operated pool covers**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 194.4.** Add a sentence to read as follows: The device

that controls the operation of the motor for an electrically operated pool cover shall be located so that the operator has full view of the pool. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-194.4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

SECTION 34. 675 IAC 14-4.2-194.5 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-194.5 Section E4106.12.2; permanently wired radiant heaters**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 194.5.** After the second sentence, delete the period and insert “unless otherwise approved”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-194.5; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

SECTION 35. 675 IAC 14-4.2-194.6 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-194.6 Section E4201.2; definitions**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 194.6.** Before the definition of Class 2 circuit, insert “ABANDONED CLASS 2 CABLE” and its definition to read as follows: Installed Class 2 cable that is not terminated at equipment and not identified for future use with a tag. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-194.6; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

SECTION 36. 675 IAC 14-4.2-194.7 IS ADDED TO READ AS FOLLOWS:

**675 IAC 14-4.2-194.7 Section E4201.3; spread of fire or products of combustion**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 194.7.** Add a new section E4201.3 to the end of section E4201 to read as follows: E4201.3 Spread of fire or products of combustion. The accessible portion of abandoned Class 2 cables shall not be permitted to remain. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-194.7; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

SECTION 37. 675 IAC 17-1.6 IS ADDED TO READ AS FOLLOWS:

**Rule 1.6. Indiana Electrical Code, 2002 Edition**

**675 IAC 17-1.6-1 Adoption by reference**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 1.** That certain document, being titled as National

Electrical Code, 2002 edition, First printing and Errata to the First Printing (Errata date January 18, 2002), both published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269, is hereby incorporated by reference and made a part of this rule, except those portions as are amended and adopted in sections 3 through 26 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-1; filed Aug 14, 2002, 4:20 p.m.: 26 IR 15*)

**675 IAC 17-1.6-2 Title; availability**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 2. (a) This rule shall be known as the Indiana Electrical Code, 2002 edition, and shall be published, except for incorporated documents, by the fire and building services department for general distribution and use under the title. Whenever the term “this code” is used within this rule, including incorporated documents, it shall mean the Indiana Electrical Code.

(b) This rule, with the incorporated National Electrical Code, 2002 edition, is available for review and reference at the Fire and Building Services Department, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-2; filed Aug 14, 2002, 4:20 p.m.: 26 IR 16*)

**675 IAC 17-1.6-3 Article 80; administration and enforcement**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 3. Article 80 is deleted in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-3; filed Aug 14, 2002, 4:20 p.m.: 26 IR 16*)

**675 IAC 17-1.6-4 Section 90.2; scope**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. Section 90.2 is amended to read as follows: (A) Covered. This code covers: Installations of electric conductors and equipment within or on Class 1 and Class 2 structures, including industrialized building systems, and other premises wiring covered by rules of the Commission in this title.

Class 1 and Class 2 Structures covered by the Indiana Residential Code shall be made to comply with the provisions of this code, or the electrical provisions of the Indiana Residential Code (675 IAC 14).

(B) Not Covered. This code does not cover:

(1) Installations in ships, watercraft, railway rolling stock, aircraft, automotive vehicles, and buildings or structures

that are not Class 1 or Class 2 structures.

(2) Installations underground in mines.

(3) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

(4) Installations of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

(5) Installations, including associated lighting under the exclusive control of electric utilities for the purpose of communication, or metering; or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors on private property by established rights such as easements.

(6) Installations of electrical wiring, equipment, and devices, factory installed in manufactured homes under the authority of the U.S. Department of Housing and Urban Development (HUD).

(*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-4; filed Aug 14, 2002, 4:20 p.m.: 26 IR 16*)

**675 IAC 17-1.6-5 Section 90.4; enforcement**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 5. Section 90.4 is amended to read as follows: Requirements covering enforcement, granting of variances, and approval of alternate methods or materials are covered in Indiana statutes and 675 IAC 12, the General Administrative Rules of the Commission. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-5; filed Aug 14, 2002, 4:20 p.m.: 26 IR 16*)

**675 IAC 17-1.6-6 Section 90.6; formal interpretations**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 6. Section 90.6 is deleted in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-6; filed Aug 14, 2002, 4:20 p.m.: 26 IR 16*)

**675 IAC 17-1.6-7 Section 90.7; examination of equipment for safety**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 7. Section 90.7 is deleted in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-7; filed Aug 14, 2002, 4:20 p.m.: 26 IR 16*)

**675 IAC 17-1.6-8 Section 90.8; wiring planning**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 8. Section 90.8 is deleted in its entirety without substitution.** (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-8; filed Aug 14, 2002, 4:20 p.m.: 26 IR 16*)

**675 IAC 17-1.6-9 Section 90.9; units of measurement**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 9. Delete the text of Section 90.9 and substitute the following: For the purpose of this code, the measurement system is the English (U.S. customary or inch-pound) system. Compliance with the numbers shown in the inch-pound system shall constitute compliance with this code.** (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-9; filed Aug 14, 2002, 4:20 p.m.: 26 IR 17*)

**675 IAC 17-1.6-10 Article 100; definitions**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-7; IC 22-13-2-11; IC 22-14-2-10; IC 22-15-2-7; IC 36-7-2-9; IC 36-8-17-9

**Sec. 10. (a) In Part 1 of Article 100, delete the text of the definition of APPROVED and substitute to read as follows: APPROVED. Acceptance by the AUTHORITY HAVING JURISDICTION by one (1) of the following methods:**

(1) investigation or tests conducted by recognized authorities; or

(2) investigation or tests conducted by technical or scientific organizations; or accepted principles.

**The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.**

**(b) In Part 1 of Article 100, delete the text of the definition of AUTHORITY HAVING JURISDICTION and substitute to read as follows: AUTHORITY HAVING JURISDICTION. The office of the state building commissioner authorized under IC 22-15-2-7; the office of the state fire marshal authorized under IC 22-14-2-10; the local building official authorized under IC 36-7-2-9 and local ordinance; the fire department authorized under IC 36-8-17-9.**

**(c) In Part 1 of Article 100, after the definition of ISO-LATED, add the definition of KITCHEN to read as follows: KITCHEN means an area used, or designated to be used, for the preparation of food.**

**(d) In Part 1 of Article 100, delete the text of the definition of SPECIAL PERMISSION and substitute to read as follows: SPECIAL PERMISSION. A variance granted by the commission under IC 22-13-2-11 or a variance granted by a political subdivision and approved by the commission under IC 22-13-2-7(b).** (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-10; filed Aug 14, 2002, 4:20 p.m.: 26 IR 17*)

**675 IAC 17-1.6-11 Section 110.26; working clearances**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 11. Change Section 110.26(A)(1)(b) to read as follows: When approved, smaller spaces may be permitted where all uninsulated parts are at a voltage no greater than 30 volts RMS, or 42 volts peak, or 60 volts DC.** (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-11; filed Aug 14, 2002, 4:20 p.m.: 26 IR 17*)

**675 IAC 17-1.6-12 Section 210.12; arc-fault circuit-interrupter protection**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 12. In Section 210.12(B), Dwelling unit bedrooms, delete “outlets” and insert “receptacle outlets”.** (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-12; filed Aug 14, 2002, 4:20 p.m.: 26 IR 17*)

**675 IAC 17-1.6-13 Section 210.60; guest rooms**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 13. The first sentence in Section 210.60(A) is amended to read as follows: Guest rooms in hotels, motels, health care facilities, and similar occupancies shall have receptacle outlets installed in accordance with Section 210.52(A) and 210.52(D).** (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-13; filed Aug 14, 2002, 4:20 p.m.: 26 IR 17*)

**675 IAC 17-1.6-14 Section 230.2; number of services**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 14. (a) Change the second sentence of Section 230.2 to read as follows: For the purpose of Section 230.40, Exception No. 2 only, underground sets of conductors, size 1/0 AWG and larger, running to the same location as close as practical and connected together at their supply end, but not connected together at their load end, shall be considered to be one (1) lateral.**

**(b) Amend Section 230.2(B) Special occupancies, by deleting “By special permission” and inserting “When approved”.** (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-14; filed Aug 14, 2002, 4:20 p.m.: 26 IR 17*)

**675 IAC 17-1.6-15 Section 230.40; service-entrance conductors**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 15. Change the second exception to Section 230.40 to read as follows: Exception No. 2: Where two (2) to six (6) service disconnecting means in separate enclosures are**

grouped as close as practical at one (1) location and supply separate loads from one (1) service drop or lateral, one (1) set of service-entrance conductors shall be permitted to supply each or several such service equipment enclosures. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-15; filed Aug 14, 2002, 4:20 p.m.: 26 IR 17*)

**675 IAC 17-1.6-16 Section 250.104; bonding of piping and exposed structural steel**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 16.** In the first sentence of Section 250.104(B), delete “including gas piping,” and insert “other than gas piping.”. At the end of Section 250.104(B), add a sentence to read as follows: All aboveground metal gas piping upstream from the equipment shutoff valve shall be electrically continuous. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-16; filed Aug 14, 2002, 4:20 p.m.: 26 IR 18*)

**675 IAC 17-1.6-17 Table 314.16(A); metal boxes**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 17.** In the line for 4 x 1-¼-inch round/octagonal boxes and in the column for 8AWG conductor, delete “5” and insert “4”. In the line for 3-¾ x 2 x 3-½-inch masonry box/gang boxes and in the column for 6AWG conductor, delete “2” and insert “4”. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-17; filed Aug 14, 2002, 4:20 p.m.: 26 IR 18*)

**675 IAC 17-1.6-18 Section 334.10; uses permitted**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 18.** (a) Delete the text of (2) in Section 334.10 and substitute: (2) In any building or structure not exceeding three (3) stories (see Section 362.10 for the definition of STORY).

(a) For exposed work except as prohibited in Section 334.12.

(b) Concealed within walls, floors, and ceilings except as prohibited in Section 334.12.

(b) Delete the text of (3) in Section 334.10 and substitute: (3) In any building or structure exceeding three (3) stories (see Section 362.10 for the definition of STORY), Type NM, Type NMC, and Type NMS cables shall be concealed within walls, floors, and ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating identified in listings of fire-rated assemblies. The 15-minute-finish-rated thermal barrier shall be permitted to be used for combustible walls, floors, and ceilings, except as prohibited in Section 334.12.

**Exception:** Where the building is provided with an approved automatic sprinkler system throughout, Type

NM, Type NMC, and Type NMS cables are permitted to be used within walls, floors, ceilings, exposed or concealed, in buildings exceeding three (3) stories.

(*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-18; filed Aug 14, 2002, 4:20 p.m.: 26 IR 18*)

**675 IAC 17-1.6-19 Section 334.12; uses not permitted**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 19.** In Section 334.12(A), delete Item 1 without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-19; filed Aug 14, 2002, 4:20 p.m.: 26 IR 18*)

**675 IAC 17-1.6-20 Section 362.10; uses permitted**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 20.** (a) Delete the first two (2) sentences of text in Uses Permitted and substitute to read as follows: For the purpose of this section a story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet (1,829 mm) above grade for more than 50 percent of the total perimeter or is more than 12 feet (3,658 mm) above grade at any point, such usable or unused under-floor space shall be considered as a story.

(b) In Item (1) under Uses Permitted, delete “floors above grade” and substitute “stories”.

(c) In Item (2) under Uses Permitted, delete “floors above grade” and substitute “stories”.

(d) Delete the text of the exceptions to Items (2) and (5) and substitute to read as follows: Where the building is provided with an approved automatic sprinkler system throughout, ENT is permitted to be used within walls, floors, and ceilings, exposed or concealed, in buildings exceeding three (3) stories. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-20; filed Aug 14, 2002, 4:20 p.m.: 26 IR 18*)

**675 IAC 17-1.6-21 Section 362.12; uses not permitted**

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 21.** In Item (7) under Uses not permitted, add 362.10(2) to the listed sections. (*Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-21; filed Aug 14, 2002, 4:20 p.m.: 26 IR 18*)

**675 IAC 17-1.6-22 Section 525.5; overhead conductor clearances**

Authority: IC 22-13-2-2; IC 22-13-2-13  
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 22.** Change Section 525.5(B) to read as follows: (B) Clearance to Rides and Attractions. Amusement rides and amusement attractions shall be maintained not less than 3.048 m (10 ft) in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusement ride or attraction. Amusement rides or attractions shall not be located within 4.57 m (15 ft) horizontally of conductors operating in excess of 600 volts. *(Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-22; filed Aug 14, 2002, 4:20 p.m.: 26 IR 19)*

**675 IAC 17-1.6-23 Section 547.1; scope**

Authority: IC 22-13-2-2; IC 22-13-2-13  
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 23.** Change Section 547.1 to read as follows: The provisions of this section shall apply to the following agricultural buildings or that part of a building or adjacent areas of similar or like nature as specified in (A) and (B) below, unless the building is not a Class 1 structure. Agricultural buildings that are not Class 1 structures may be regulated by local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-23; filed Aug 14, 2002, 4:20 p.m.: 26 IR 19)*

**675 IAC 17-1.6-24 Section 550.25; arc-fault circuit-interrupter protection**

Authority: IC 22-13-2-2; IC 22-13-2-13  
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 24.** Delete the text of Section 550.25(B), Bedrooms of Mobile Homes and Manufactured Homes, and substitute to read as follows: All branch circuits that supply 125-volt, single-phase, 15- and 20-ampere receptacle outlets installed in bedrooms of mobile homes and manufactured homes shall be protected by an arc-fault circuit-interrupter listed to provide protection of the entire branch circuit. *(Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-24; filed Aug 14, 2002, 4:20 p.m.: 26 IR 19)*

**675 IAC 17-1.6-25 Section 550.4; general requirements**

Authority: IC 22-13-2-2; IC 22-13-2-13  
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 25.** Section 550.4(B) is amended by adding a second sentence to read as follows: Modular homes, constructed under 675 IAC 15, Industrialized Building Systems, shall comply with the provisions of Article 545 of this code. *(Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-25; filed Aug 14, 2002, 4:20 p.m.: 26 IR 19)*

**675 IAC 17-1.6-26 Section 600.1; scope**

Authority: IC 22-13-2-2; IC 22-13-2-13  
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

**Sec. 26.** Section 600.1 is amended to read as follows: This section covers the installation of conductors and equipment for electric signs and outline lighting as defined in Article 100 that are within or connected to Class 1 or Class 2 buildings or structures. *(Fire Prevention and Building Safety Commission; 675 IAC 17-1.6-26; filed Aug 14, 2002, 4:20 p.m.: 26 IR 19)*

SECTION 38. 675 IAC 17-1.5 IS REPEALED.

LSA Document #01-376(F)

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**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #01-399(F)

**DIGEST**

Adds 760 IAC 1-5.1 to establish standards for credit life insurance and credit accident and health insurance. Repeals 760 IAC 1-5 and 760 IAC 1-14. Partially effective 30 days after filing with the secretary of state and partially effective January 1, 2003.

**760 IAC 1-5**

**760 IAC 1-5.1**

**760 IAC 1-14**

SECTION 1. 760 IAC 1-5.1 IS ADDED TO READ AS FOLLOWS:

**Rule 5.1. Credit Life Insurance; Credit Accident and Health Insurance**

**760 IAC 1-5.1-1 Purpose and authority**

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102

**Sec. 1.** The purpose of this rule is to protect the interests of debtors and the public in this state by providing a system of rate, policy form, and operating standards for the regulation of consumer credit insurance. *(Department of Insurance; 760 IAC 1-5.1-1; filed Sep 9, 2002, 3:00 p.m.: 26 IR 19, eff Jan 1, 2003)*

**760 IAC 1-5.1-2 Definitions**

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102; IC 27-1-23-1

Sec. 2. (a) The following definitions apply throughout this rule:

- (1) "Affiliate" has the meaning set forth in IC 27-1-23-1.
- (2) "Closed-end credit" means a credit transaction that does not meet the definition of open-end credit.
- (3) "Compensation" means:
  - (A) commissions;
  - (B) dividends;
  - (C) retrospective rate credits;
  - (D) service fees;
  - (E) expense allowances or reimbursements;
  - (F) gifts;
  - (G) furnishing of equipment, facilities, goods, or services; or
  - (H) any other form of remuneration resulting directly from the sale of consumer credit insurance.
- (4) "Consumer credit insurance" is a general term used to refer to any or all of credit life insurance and credit accident and health insurance.
- (5) "Control" has the meaning set forth in IC 27-1-23-1.
- (6) "Evidence of individual insurability" means a statement furnished by the debtor, as a condition of insurance becoming effective, that relates specifically to the health status or to the health or medical history of the debtor.
- (7) "Gross debt" means the sum of the remaining payments owed to the creditor by the debtor.
- (8) "Identifiable insurance charge" means a charge for a type of consumer credit insurance that is made to debtors having such insurance and not made to debtors not having such insurance; it includes a charge for insurance that is disclosed in the credit or other instrument furnished to the debtor that sets out the financial elements of the credit transaction and any difference in the finance, interest, service, or other similar charge made to debtors who are in like circumstances except for the insured or noninsured status of the debtor.
- (9) "Loss ratio" means incurred claims divided by the sum of earned premiums and imputed interest earned on unearned premiums.
- (10) "Net debt" means the amount necessary to liquidate the remaining debt in a single lump sum payment, excluding all unearned interest and other unearned finance charges.
- (11) "Open-end credit" means credit extended by a creditor under an agreement in which the:
  - (A) creditor reasonably contemplates repeated transactions;
  - (B) creditor imposes a finance charge from time to time on an outstanding unpaid balance; and
  - (C) amount of credit that may be extended to the debtor during the term of the agreement (up to any

limit set by the creditor) is generally made available to the extent that any outstanding balance is repaid.

- (12) "Person" has the meaning set forth in IC 27-1-23-1.
- (13) "Preexisting condition" means any condition for which the insured debtor received medical advice, consultation, or treatment within six (6) months before the effective date of the coverage and from which the insured debtor becomes disabled within six (6) months after the effective date of this coverage.

(b) The following definitions apply throughout section 10 of this rule:

- (1) "Experience" means earned premiums and incurred losses during the experience period.
- (2) "Experience period" means the most recent period of time for which earned premiums and incurred losses are reported, but not for a period longer than three (3) full years.
- (3) "Incurred losses" means total claims paid during the experience period, adjusted for the change in claim reserve.

(Department of Insurance; 760 IAC 1-5.1-2; filed Sep 9, 2002, 3:00 p.m.; 26 IR 20, eff Jan 1, 2003)

**760 IAC 1-5.1-3 Rights and treatment of debtors**

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102; IC 27-1-12-37; IC 27-8-4-4

Sec. 3. (a) If a creditor makes available to the debtors more than one (1) plan of consumer credit insurance, every debtor must be informed of each plan for which the debtor is eligible and of the premium or insurance charge for each.

(b) When a creditor requires insurance as additional security for a debt, the creditor shall inform the debtor that the debtor has the option of procuring alternative coverage. The debtor shall be informed by the creditor of the right to provide alternative coverage before the transaction is completed.

(c) The following applies to the termination of a group consumer credit insurance policy:

- (1) If a debtor is covered by a group consumer credit insurance policy providing for the payment of single premiums to the insurer, or any other premium payment method that prepays coverage beyond one (1) month, then provision shall be made by the insurer that in the event of termination of the policy for any reason, insurance coverage with respect to any debtor insured under the policy shall be continued for the entire period for which the premium has been paid.
- (2) If a debtor is covered by a group consumer credit insurance policy providing for the payment of premiums to the insurer on a monthly basis, then the policy shall provide that, in the event of termination of the policy, termination notice shall be given to the insured debtor at

least thirty (30) days prior to the effective date of termination, except where replacement of the coverage by the same or another insurer in the same or greater amount takes place without lapse of coverage. The insurer shall provide or cause to be provided this required information to the debtor.

(d) If the creditor adds identifiable insurance charges or premiums for consumer credit insurance to the debt, and any direct or indirect finance, carrying, credit, or service charge is made to the debtor on the insurance charges or premiums, the creditor must remit and the insurer shall collect the premium within sixty (60) days after it is added to the debt.

(e) If the debt is discharged due to refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the refinanced debt. In all cases of termination prior to scheduled maturity, a refund of all unearned premium or unearned insurance charges paid by the debtor shall be paid or credited to the debtor as provided in section 8 of this rule. In any refinancing of the debt, the effective date of the coverage as respects any policy provision shall be deemed to be the first date on which the debtor became insured under the policy with respect to the debt that was refinanced, at least to the extent of the amount and term of the debt outstanding at the time of refinancing of the debt.

(f) A provision in an individual policy or group certificate that sets a maximum limit on total claim payments must apply only to that individual policy or group certificate.

(g) If a debtor prepays the debt in full, then any consumer credit insurance covering the debt shall be terminated and an appropriate refund of the consumer credit insurance premium shall be paid or credited to the debtor in accordance with section 8 of this rule. However, if the prepayment is a result of death or any other lump sum consumer credit insurance payment, no refund shall be required for the coverage under which the lump sum was paid. If a claim under credit accident and health coverage is in progress at the time of prepayment, the amount of refund may be determined as if the prepayment did not occur until the payment of benefits terminates. No refund need be paid during any period of disability for which credit accident and health benefits are payable. A refund shall be computed as if prepayment occurred at the end of the disability period.

(h) If a creditor has opened a line of credit for a debtor and, if permitted under IC 27-8-4-4(A) or IC 27-1-12-37(2)(F), is charging for this line of credit rather than the amount of debt in the event of the death of the debtor, the insured amount due is the amount of the established

amount of credit against which premium was last charged. (*Department of Insurance; 760 IAC 1-5.1-3; filed Sep 9, 2002, 3:00 p.m.: 26 IR 20, eff Jan 1, 2003*)

#### 760 IAC 1-5.1-4 Determination of reasonableness of benefits in relation to premium charge

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102

Sec. 4. (a) Benefits provided by consumer credit insurance policies must be reasonable in relation to the premium charged. This requirement is satisfied if the premium rate charged develops or may reasonably be expected to develop a loss ratio of not less than fifty-five percent (55%). With the exception of deviations approved under section 10 of this rule, the rates shown in sections 6 and 7 of this rule, as adjusted pursuant to section 9 of this rule, shall be presumed to satisfy this loss ratio standard. Anticipated losses that develop or are expected to develop a loss ratio of not less than fifty-five percent (55%) shall be presumed reasonable. Any insurer filing a deviation in accordance with section 10 of this rule must satisfy the fifty-five percent (55%) loss ratio standard for their total consumer credit insurance business.

(b) If any insurer files for approval of any form providing coverage different than that described in sections 6 and 7 of this rule, the insurer shall demonstrate to the satisfaction of the commissioner that the premium rates to be charged for such coverage are:

(1) reasonably expected to develop a loss ratio of not less than fifty-five percent (55%); or

(2) actuarially consistent with the rates used for standard coverages.

(*Department of Insurance; 760 IAC 1-5.1-4; filed Sep 9, 2002, 3:00 p.m.: 26 IR 21, eff Jan 1, 2003*)

#### 760 IAC 1-5.1-5 Compensation limitations

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102

Sec. 5. (a) An insurer shall not pay compensation in excess of forty percent (40%) of the net written prima facie premium of which not more than thirty-three [percent] (33%) of net written prima facie premium may be paid to a creditor.

(b) For purposes of subsection (a), prima facie premium means premium using the premium rates set out in sections 6 and 7 of this rule, or actuarially consistent premium rates for plans not described in sections 6 and 7 of this rule, without any adjustment pursuant to section 10 of this rule. (*Department of Insurance; 760 IAC 1-5.1-5; filed Sep 9, 2002, 3:00 p.m.: 26 IR 21, eff Jan 1, 2003*)



**760 IAC 1-5.1-6 Credit life insurance rates**

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102

Sec. 6. (a) Subject to the conditions and requirements in subsection (b) and section 10 of this rule, the following prima facie rates are considered to meet the requirements of section 4 of this rule, and may be used without filing additional actuarial support:

(1) For monthly outstanding balance basis, sixty-nine cents (\$0.69) per month per one thousand dollars (\$1,000) of outstanding insured debt on single life and one dollar and fifteen cents (\$1.15) per month per one thousand dollars (\$1,000) of outstanding insured debt on joint life if premiums are payable on a monthly outstanding balance basis.

(2) If the premium is charged on a single premium basis, the rate shall be computed according to the following formula or according to a formula approved by the commissioner that produces rates substantially the same as those produced by the following formula:

$$S_p = \sum_{t=1}^n \left( \frac{O_p}{10} \times \frac{I_t}{I_i} \times (v^{t-1}) \right)$$

$$v = \frac{1}{1 + (\text{dis})}$$

Where:  $S_p$  = Single premium per one hundred dollars (\$100) of initial consumer credit life insurance coverage.

$O_p$  = 0.69, the prima facie consumer credit life insurance premium rate for monthly outstanding balance coverage from subdivision (1).

$I_t$  = The scheduled amount of insurance for month  $t$ .

$I_i$  = Initial amount of insurance. For a net insurance policy,  $I_i$  equals the initial principal balance of the loan.

$\text{dis}$  = 0.0044, representing an annual discount rate of 5.0% for interest plus four-tenth [*sic.*, *four-tenths*] of one percent (0.4%) for mortality.

$n$  = The number of months in the term of the insurance.

(3) If the benefits provided are other than those described in this section, premium rates for such benefits shall be actuarially consistent with the rates provided in subdivisions (1) and (2).

(4) The prima facie rates included in this subsection and any other rates approved for use that are computed in accordance with the formula in subdivision (2) are presumed sufficient to provide for up to two (2) months

of delinquencies. Therefore, the determination of the premium shall not reflect delinquencies.

(b) The premium rates in subsection (a) shall apply to contracts providing credit life insurance that are offered to all eligible debtors, that do not require evidence of individual insurability from any eligible debtor electing to purchase coverage within thirty (30) days of the date the debtor becomes eligible, and that contain the following provisions:

(1) Coverage for death by whatever means caused, except that coverage may exclude death resulting from any of the following:

(A) War or any act of war.

(B) Suicide within six (6) months after the effective date of the coverage.

(C) A preexisting condition or conditions. For the purpose of this subsection, the following apply:

(i) "Preexisting condition" means any condition for which the debtor received medical advice or treatment within six (6) months preceding the effective date of coverage.

(ii) No preexisting condition exclusion shall apply unless:

(AA) death is caused by or substantially contributed to by the preexisting condition; and

(BB) death occurs within six (6) months following the effective date of coverage.

(iii) A preexisting condition exclusion shall apply only if and to the extent that the amount of coverage to which it would otherwise apply (in the absence of this limitation) exceeds one thousand dollars (\$1,000).

(2) For the exclusions listed in subdivisions (1)(B) and (1)(C), the effective date of coverage for each part of the insurance attributable to a different advance or a charge to the plan account is the date on which the advance or charge occurs.

(3) At the option of the insurer and in lieu of a preexisting condition exclusion on insurance written in connection with open-ended consumer credit, a provision may be included to limit the amount of insurance payable on death due to natural causes to the balance as it existed six (6) months prior to the date of death if there has been one (1) or more increases in the outstanding balance during the six (6) month period and if evidence of individual insurability has not been required in the six (6) month period prior to the date of death. This provision applies only if and to the extent that the amount of coverage to which it would otherwise apply (in the absence of this limitation) exceeds one thousand dollars (\$1,000).

(4) An age restriction providing that no insurance will become effective on debtors on or after the attainment of age sixty-six (66) and that all insurance will terminate upon attainment by the debtor of age sixty-six (66).

(c) The insurer shall apply rates as follows:

(1) If the insurer, its agent, or the application form for credit life insurance does not request or require that the debtor provide evidence of insurability, then the premium rates deemed reasonable will be the prima facie rates in subsection (a).

(2) Except as provided in subdivision (3), if the insurer, its agent, or the application form for credit life insurance requests or requires that the debtor provide evidence of insurability and the initial amount of insurance is fifteen thousand dollars (\$15,000) or less, then the premium rates deemed reasonable will be the rates in subsection (a) multiplied by ninety percent (90%).

(3) If the insurer, its agent, or the application form for credit life insurance requests or requires that the debtor provide evidence of insurability and the initial amount of insurance is greater than fifteen thousand dollars (\$15,000) or the applicant elects to purchase coverage more than thirty (30) days after the date the debtor became eligible under a group plan of insurance, then the premium rates deemed reasonable will be the prima facie rates in subsection (a). For policies insuring open lines of credit, the insurer may require evidence of insurability for commitments that increase the outstanding debt above fifteen thousand dollars (\$15,000).

(d) Insurers may use the same application forms for credit life insurance whether or not underwriting questions are asked pursuant to subsection (c). The commissioner will presume that any application form for which all relevant underwriting questions have been left unanswered represents a policy that has not been underwritten and for which prima facie rates are permissible. A form for which any relevant underwriting questions have been answered or filled in represents a policy for which premium decreases pursuant to subsection (c) are required. Insurers should maintain in their files their rules for those circumstances where underwriting questions shall be asked. Those rules shall be communicated to and followed by the insurer's agents and producers. (*Department of Insurance; 760 IAC 1-5.1-6; filed Sep 9, 2002, 3:00 p.m.: 26 IR 22, eff Jan 1, 2003*)

#### 760 IAC 1-5.1-7 Credit accident and health insurance rates

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102

Sec. 7. (a) Subject to the conditions and requirements in subsection (b) and section 10 of this rule, the following prima facie rates are considered to meet the requirements of section 4 of this rule, and may be used without filing additional actuarial support:

(1) If premiums are payable on a single-premium basis for the duration of the coverage, the prima facie rate per one hundred dollars (\$100) of initial insured debt for single accident and health is as set forth in the following table and rates for monthly periods other than those listed shall be interpolated or extrapolated:

Original Number of Equal Monthly Installments	14 Day Retroactive Policy	14 Day Nonretroactive Policies	30 Day Retroactive Policies	30 Day Nonretroactive Policies
6	1.54	1.01	1.04	0.79
12	2.04	1.42	1.40	1.05
24	2.73	1.97	1.97	1.37
36	3.35	2.57	2.53	1.83
48	3.71	2.93	2.89	2.16
60	4.00	3.22	3.19	2.44
72	4.27	3.47	3.45	2.69
84	4.49	3.71	3.68	2.93
96	4.71	3.93	3.89	3.15
108	4.92	4.13	4.10	3.36
120	5.12	4.32	4.29	3.55

(2) If premiums are paid on the basis of a premium rate per month per thousand of outstanding insured gross debt, these premiums shall be computed according to the following formula or according to a formula approved by the commissioner, that produces rates actuarially consistent with the single premium rates in subdivision (1):

$$OP_n = \frac{10SP_n}{\left\{ \sum_{t=1}^n \frac{(v^t - 1) \times (n - t + 1)}{n} \right\}}$$

$$v = \frac{1}{1 + (dis)}$$

Where:  $SP_n$  = Single premium rate per one hundred dollars (\$100) of initial insured debt repayable in  $n$  equal monthly installments as shown in subdivision (1).

$OP_n$  = Monthly outstanding balance premium rate per one thousand dollars (\$1,000).

$n$  = The number of months in the term of the insurance.

$dis$  = 0.0041, representing an annual discount rate of five percent (5.0%) for interest.

(3) If the coverage provided is a constant maximum indemnity for a given period of time, the actuarial equivalent of subdivisions (1) and (2) shall be used.

(4) If the coverage provided is a combination of a constant maximum indemnity for a given period of time after which the maximum indemnity begins to decrease in even amounts per month, an appropriate combination of the premium rate for a constant maximum indemnity for a given period of time, and the premium rate for a maximum indemnity that decreases in even amounts per month shall be used.

(5) The outstanding balance rate for credit accident and health insurance may be either a term-specified rate or may be a single composite term outstanding balance rate.

(b) Subject to the conditions and requirements in subsection (c) and section 10 of this rule, the prima facie rates for credit accident and health insurance calculated as shown in this subsection are considered to meet the requirements of

section 4 of this rule in the situation where the insurance is written on an open-end loan. These prima facie rates and the formulae used to calculate them may be used without filing additional actuarial support. Other formulae to convert from a closed-end credit rate to an open-end credit rate may be used if approved by the commissioner. The following establishes the prima facie rates for credit accident and health insurance on an open-end loan:

(1) If the maximum benefit of the insurance equals the net debt on the date of disability, the term of the loan is calculated according to the following formula:

$$1/(\text{minimum payment percent}).$$

The prima facie rate is determined by applying the calculated term to the rates shown in subsection (a). A composite minimum payment percentage may be used in place of the minimum payment percentage for a specific credit transaction.

(2) If the maximum benefit of the insurance equals the outstanding balance of the loan on the date of disability plus any interest accruing on that amount during disability, the term of the insurance (n) is estimated by using the following formula:

$$n = \ln \{1 - (1000i / x)\} / \ln(v)$$

Where: i = Interest rate on the account or a composite interest rate used for the type of policy.

x = Monthly payment per one thousand dollars (\$1,000) of coverage consistent with the term calculated in this subdivision.

$$v = 1/(1 + i)$$

The calculated value of the term is used to look up an initial rate in subsection (a). The final prima facie rate is calculated by multiplying the initial rate by the following:

$$\text{the adjustment } n/a_n$$

Where: n = The term calculated as per the following equation:

$$a_n = (1 - v)^n / i$$

As an alternative to the calculation required in subsection (b) [this subsection], a composite rate for open-end revolving loans may be filed for approval by the commissioner. This rate must be actuarially equivalent to the prima facie rate.

(c) If the accident and health coverage is sold on a joint basis (involving two (2) people), the rate for the joint coverage shall be filed with the commissioner prior to use.

(d) If the benefits provided are other than those described

in subsection (a) or (b), rates for those benefits shall be actuarially consistent with rates provided in subsection [sic., subsections] (a) and (b).

(e) The premium rates in subsection (a) shall apply to contracts providing credit accident and health insurance that are offered to all eligible debtors, that do not require evidence of individual insurability from any eligible debtor electing to purchase coverage within thirty (30) days of the date the debtor becomes eligible and that contain the following provisions:

(1) Coverage for disability by whatever means caused, except that coverage may be excluded for disabilities resulting from:

(A) normal pregnancy;

(B) war or any act of war;

(C) elective surgery;

(D) intentionally self-inflicted injury;

(E) sickness or injury caused by or resulting from the use of alcoholic beverages or narcotics (including hallucinogens) unless they are administered on the advice of and taken as directed, by a licensed physician other than the insured;

(F) flight in any aircraft other than a commercial scheduled aircraft; or

(G) a preexisting condition.

(2) For the exclusion listed in subdivision (1)(G), the effective date of coverage for each part of the insurance attributable to a different advance or a charge to the plan account is the date on which the advance or charge occurs.

(3) A definition of disability providing that for the first twelve (12) months of disability, total disability shall be defined as the inability to perform the essential functions of the insured's own occupation. Thereafter, it shall mean the inability of the insured to perform the essential functions of any occupation for which he or she is reasonably suited by virtue of education, training, or experience.

(4) No employment requirement more restrictive than one requiring that the debtor be employed full time on the effective date of coverage and for at least twelve (12) consecutive months prior to the effective date of coverage. As used in this subdivision, "full time" means a regular work week of not less than thirty (30) hours.

(5) An age restriction providing that no insurance will become effective on debtors on or after the attainment of age sixty-six (66) and that all insurance will terminate upon attainment by the debtor of age sixty-six (66).

(6) A daily benefit of not less than one-thirtieth ( $1/30$ ) of the monthly benefit payable under the policy.

(f) Requirements for applying rates shall be as follows:

(1) If the insurer, its agent, or the application form for credit life insurance does not request or require that the debtor provide evidence of insurability, then the pre-

mum rates deemed reasonable will be the prima facie rates in subsection (a).

(2) Except as provided in subdivision (3), if the insurer, its agent, or the application form for credit life insurance requests or requires that the debtor provide evidence of insurability and the initial amount of insurance is fifteen thousand dollars (\$15,000) or less, then the premium rates deemed reasonable will be the rates in subsection (a) multiplied by ninety percent (90%).

(3) If the insurer, its agent, or the application form for credit life insurance requests or requires that:

(A) the debtor provide evidence of insurability and the initial amount of insurance is greater than fifteen thousand dollars (\$15,000); or

(B) the applicant elects to purchase coverage more than thirty (30) days after the date the debtor became eligible under a group plan of insurance;

then the premium rates deemed reasonable will be the prima facie rates in subsection (a). For policies insuring open lines of credit, the insurer may require evidence of insurability for commitments that increase the outstanding debt above fifteen thousand dollars (\$15,000).

(g) Insurers may use the same application forms for credit accident and health insurance whether or not underwriting questions are asked pursuant to subsection (f). The commissioner will presume that any application form for which all relevant underwriting questions have been left unanswered represents a policy that has not been underwritten and for which prima facie rates are permissible. A form for which any relevant underwriting questions have been answered or filled in represents a policy for which premium decreases pursuant to subsection (f) are required. Insurers should maintain in their files their rules for those circumstances where underwriting questions shall be asked. Those rules shall be communicated to and followed by the insurer's agents or other producers. (Department of Insurance; 760 IAC 1-5.1-7; filed Sep 9, 2002, 3:00 p.m.: 26 IR 23, eff Jan 1, 2003)

#### 760 IAC 1-5.1-8 Refund formulas

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102; IC 27-8-4-8

Sec. 8. (a) In the event of termination, no charge for consumer credit insurance may be made for the first fifteen (15) days of a month and a full month may be charged for sixteen (16) days or more of a month.

(b) The requirement of IC 27-8-4-8(B) that refund formulas be filed with the commissioner shall be considered fulfilled if the refund formulas are set forth in the individual policy or group certificate filed with the commissioner.

(c) Refund formulas must develop refunds that are at least as favorable to the debtor as refunds equal to the

premium cost of scheduled benefits subsequent to the date of cancellation or termination, computed at the schedule of premium rates in effect on the date of issue.

(d) No refund of one dollar (\$1) or less need be made. (Department of Insurance; 760 IAC 1-5.1-8; filed Sep 9, 2002, 3:00 p.m.: 26 IR 25, eff Jan 1, 2003)

#### 760 IAC 1-5.1-9 Experience reports and adjustment of prima facie rates

Authority: IC 27-1-3-7; IC 27-8-4-12

Affected: IC 24-4.5-4-102

Sec. 9. (a) Each insurer doing insurance business in this state shall annually file with the commissioner and the National Association of Insurance Commissioners (NAIC) support and services office a report of consumer credit insurance written on a calendar year basis. The report shall utilize the Credit Insurance Supplement—Annual Statement Blank as approved by the NAIC, and shall contain data separately for each state, rather than an allocation of the company's countrywide experience. The filing shall be made in accordance with and no later than the due date in the instructions to the annual statement.

(b) The commissioner will, on a triennial basis, review the loss ratio standards set forth in section 4 of this rule and the prima facie rates set forth in sections 6 and 7 of this rule and determine the rate of expected claims on a statewide basis, compare such rate of expected claims with the rate of actual claims for the preceding three (3) years determined from the incurred claims and earned premiums at prima facie rates reported in the annual statement supplement or other available source, and publish in the Indiana Register the adjusted actual statewide prima facie rates to be used by insurers during the next triennium. The rates will reflect the difference between actual claims based on experience and expected claims based on the loss ratio standards set forth in section 4 of this rule applied to the prima facie rates set forth in sections 6 and 7 of this rule. If the commissioner determines, at the conclusion of the triennial review, that the rate adjustment is de minimus [*sic.*, *de minimis*], then the statewide prima facie rate will not be changed. The commissioner will publish a statement that the rate will not change and the results of the rate review required by this subsection.

(c) The commissioner will, on a triennial basis, review the discount rates for interest included in the formulae in sections 6(a) and 7(a) of this rule, and adjust those discount rates to equal the average of the rates being paid at that time on three (3) year United States Treasury notes as reported in the Wall Street Journal on the last day of sale in the most recent three (3) calendar years. The commissioner shall publish the revised discount rates in the Indiana Register. If the commissioner determines, at the conclusion

of the triennial review, that the rate adjustment is *de minimus* [*sic., de minimis*], then the discount rate will not be changed. (*Department of Insurance; 760 IAC 1-5.1-9; filed Sep 9, 2002, 3:00 p.m.: 26 IR 25, eff Jan 1, 2003*)

**760 IAC 1-5.1-10 Use of rates; direct business only**

Authority: IC 27-1-3-7; IC 27-8-4-12  
Affected: IC 24-4.5-4-102

Sec. 10. (a) An insurer that files rates or has rates on file that are equivalent to the *prima facie* rates shown in sections 6 and 7 of this rule, to the extent adjusted pursuant to section 9 of this rule, may use those rates without further proof of their reasonableness.

(b) An insurer may file for approval of and use rates that are higher than the *prima facie* rates shown in sections 6 and 7 of this rule, to the extent adjusted pursuant to section 9 of this rule, as long as the filed rates are consistent with section 4 of this rule. If rates higher than the *prima facie* rates shown in sections 6 and 7 of this rule, to the extent adjusted pursuant to section 9 of this rule, are filed for approval, the filing shall specify the account or accounts to which the rates apply. The rates may be applied:

- (1) uniformly to all accounts of the insurer;
- (2) on an equitable basis approved by the commissioner to only one (1) or more accounts of the insurer for which the experience has been less favorable than expected; or
- (3) according to a case-rating procedure on file with the commissioner.

(c) The approval period of deviated rates are established as follows:

- (1) A deviated rate will be in effect for a period of time not longer than the experience period used to establish the rate, that is, one (1) year, two (2) years, or three (3) years. An insurer may file for a new rate before the end of a rate period, but not more often than once during any twelve (12) month period.
- (2) Notwithstanding the provision of subsection (a), if an account changes insurers, the rate approved to be used for the account by the prior insurer is the maximum rate that may be used by the succeeding insurer for the remainder of the rate approval period approved for the prior insurer or until a new rate is approved for use on the account, if sooner.

(d) An insurer may at any time use a rate for an account that is lower than its filed rate without notice to the commissioner. (*Department of Insurance; 760 IAC 1-5.1-10; filed Sep 9, 2002, 3:00 p.m.: 26 IR 26, eff Jan 1, 2003*)

**760 IAC 1-5.1-11 Supervision of consumer credit insurance operations**

Authority: IC 27-1-3-7; IC 27-8-4-12  
Affected: IC 24-4.5-4-102

Sec. 11. (a) Each insurer transacting credit insurance in this state shall be responsible for conducting a thorough periodic review of creditors with respect to their credit insurance business with such creditors, to assure compliance with the insurance laws of this state and the rules promulgated by the commissioner.

(b) Written records of such reviews shall be maintained by the insurer for a period of no less than five (5) years for review by the commissioner. (*Department of Insurance; 760 IAC 1-5.1-11; filed Sep 9, 2002, 3:00 p.m.: 26 IR 26, eff Jan 1, 2003*)

**760 IAC 1-5.1-12 Prohibited transactions**

Authority: IC 27-1-3-7; IC 27-8-4-12  
Affected: IC 24-4.5-4-102; IC 27-4-1

Sec. 12. The following practices, when engaged in by insurers in connection with the sale or placement of consumer credit insurance, or as an inducement thereto, shall be considered unfair methods of competition subject to the provisions of IC 27-4-1:

(1) The offer or grant by an insurer to a creditor of any special advantage or any service not set out in either the group insurance contract or in the agency contract, other than the payment of agent's commissions.

(2) Deposit by an insurer of money or securities without interest or at a lesser rate of interest than is currently being paid by the creditor, bank, or financial institution to other depositors of like amounts for similar durations. This subsection shall not be construed to prohibit the maintenance by an insurer of such demand deposits or premium deposit accounts as are reasonably necessary for use in the ordinary course of the insurer's business.

(*Department of Insurance; 760 IAC 1-5.1-12; filed Sep 9, 2002, 3:00 p.m.: 26 IR 26, eff Jan 1, 2003*)

**760 IAC 1-5.1-13 Implementation**

Authority: IC 27-1-3-7; IC 27-8-4-12  
Affected: IC 24-4.5-4-102

Sec. 13. (a) Approval of all forms and premium rates not in compliance with this rule is hereby withdrawn as of January 1, 2003.

(b) Any deviations thought to be appropriate by an insurer as a result of promulgation of this rule shall be filed in accordance with the provisions of section 10 of this rule no later than October 1, 2002. (*Department of Insurance; 760 IAC 1-5.1-13; filed Sep 9, 2002, 3:00 p.m.: 26 IR 26*)

SECTION 2. THE FOLLOWING ARE REPEALED: 760 IAC 1-5; 760 IAC 1-14.

SECTION 3. SECTION 1, 760 IAC 1-5.1-1 through 760 IAC 1-5.1-12, takes effect January 1, 2003.

LSA Document #01-399(F)  
 Notice of Intent Published: 25 IR 833  
 Proposed Rule Published: May 1, 2002; 25 IR 2575  
 Hearing Held: June 13, 2002  
 Approved by Attorney General: September 6, 2002  
 Approved by Governor: September 6, 2002  
 Filed with Secretary of State: September 9, 2002, 3:00 p.m.  
 Incorporated Documents Filed with Secretary of State: None

## TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION

LSA Document #02-24(F)

### DIGEST

Adds 762 IAC 2 to address member requirements and procedures, withdrawals by members, procedures for charges to members, including payment and collection thereof, and to otherwise implement IC 27-1-29 and IC 27-1-29.1 regarding the political subdivision risk management fund and catastrophic liability fund. Effective 30 days after filing with secretary of state.

### 762 IAC 2

SECTION 1. 762 IAC 2 IS ADDED TO READ AS FOLLOWS:

## ARTICLE 2. MEMBERSHIP IN POLITICAL SUBDIVISION RISK MANAGEMENT FUND AND CATASTROPHIC LIABILITY FUND

### Rule 1. Responsibilities

#### 762 IAC 2-1-1 Definitions

Authority: IC 27-1-29-16; IC 27-1-29.1-20

Affected: IC 27-1-29; IC 27-1-29.1-9; IC 27-1-29.1-22; IC 34-6-2-110

Sec. 1. The following definitions apply throughout this rule:

- (1) "Additional assessments" means any assessments made in excess of those paid by the member or former member in order to meet the eligibility requirements of IC 27-1-29-11, IC 27-1-29-12, IC 27-1-29.1-9, and IC 27-1-29.1-22.
- (2) "Assessment" means the assessment set forth in IC 27-1-29-12 or IC 27-1-29.1-22.
- (3) "Capitalization" means the annual surcharge set forth in IC 27-1-29-7(b)(10).
- (4) "Catastrophic liability fund" means the political subdivision catastrophic liability fund established by IC 27-1-29.1.
- (5) "Commission" means the Indiana political subdivision risk management commission established by IC 27-1-29-5.

(6) "Commissioner" means the commissioner of the Indiana department of insurance.

(7) "Member" means a political subdivision that is a member of the risk management fund or the catastrophic liability fund.

(8) "Political subdivision" has the meaning set forth in IC 34-6-2-110.

(9) "Risk management fund" means the political subdivision risk management fund established by IC 27-1-29.

(Indiana Political Subdivision Risk Management Commission; 762 IAC 2-1-1; filed Sep 3, 2002, 3:34 p.m.: 26 IR 27)

#### 762 IAC 2-1-2 Membership

Authority: IC 27-1-29-16; IC 27-1-29.1-20

Affected: IC 27-1-29-4; IC 27-1-29.1

Sec. 2. (a) A political subdivision that applies to become a member of the risk management fund or the catastrophic liability fund may become a member after the following occurs:

- (1) An application is filed with the manager or vendor of the risk management fund and the catastrophic liability fund.
- (2) The manager or vendor provides the commission with twelve (12) copies of the application.
- (3) The commission votes, by a majority, to accept the political subdivision as a member of the risk management fund or the catastrophic liability fund.
- (4) The political subdivision pays the assessment and capitalization.

(b) A member of the risk management fund or the catastrophic liability fund that wishes to withdraw from the fund or funds shall file a written notice of its intent to withdraw with the commissioner. The written notice shall include all of the following:

- (1) The date of termination of the membership. The date shall not be less than ninety (90) days after filing of the notice.
- (2) The name, address, and state of domicile of the insurer with which the political subdivision is insuring the risk after termination of its membership.
- (3) The name and business address of the insurance producer through whom the new policy of insurance was procured.

(c) At any time prior to the termination date of membership, a member may rescind its intent to withdraw from the risk management fund or the catastrophic liability fund by filing written notice of its intent with the commissioner. (Indiana Political Subdivision Risk Management Commission; 762 IAC 2-1-2; filed Sep 3, 2002, 3:34 p.m.: 26 IR 27)

#### 762 IAC 2-1-3 Assessments

Authority: IC 27-1-29-16; IC 27-1-29.1-20

Affected: IC 27-1-29-4; IC 27-1-29.1

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## Final Rules

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**Sec. 3. (a)** In any twelve (12) month period, no additional assessment shall exceed one hundred percent (100%) of the assessment paid by the member for the last twelve (12) month period in which it was a member.

**(b)** Notwithstanding subsection (a), a member may voluntarily pay the full amount of any additional assessment at any time.

**(c)** Members' assessments and capitalization are due no later than the first day of renewal for each year. (*Indiana Political Subdivision Risk Management Commission; 762 IAC 2-1-3; filed Sep 3, 2002, 3:34 p.m.: 26 IR 27*)

### **762 IAC 2-1-4 Failure to pay assessment**

Authority: IC 27-1-29-16; IC 27-1-29.1-20

Affected: IC 27-1-29-4; IC 27-1-29.1

**Sec. 4. (a)** If a member fails to pay an assessment or capitalization, the commission may do either of the following:

- (1)** Send a notice of coverage cancellation to the delinquent member providing a minimum of ten (10) days notice before the cancellation is effective.
- (2)** Assess the interest specified by statute on any outstanding balance.

**(b)** If a member fails to provide information identified by the commission as necessary for underwriting within ten (10) business days of the member's renewal date the commission may issue a notice of coverage cancellation. Such a cancellation shall be mailed certified mail and shall be effective twenty (20) business days after receipt of the notice by the member.

**(c)** If a member fails to pay an assessment or a capitalization for longer than sixty (60) days, the commission may give written notice to any state agency, including, but not limited to, the treasurer or auditor, of the political subdivision's default on the payment of an assessment or capitalization under this rule. Upon receipt of such notice, any state agency holding money payable to the delinquent political subdivision shall withhold the delinquent amount therefrom and pay the delinquent amount to the commission. The commission shall apply any such payments to the delinquent assessment or capitalization.

**(d)** In the event a member withdraws from the risk management fund or the catastrophic liability fund, there shall be no return of any assessment paid prior to the effective of the termination. (*Indiana Political Subdivision Risk Management Commission; 762 IAC 2-1-4; filed Sep 3, 2002, 3:34 p.m.: 26 IR 28*)

LSA Document #02-24(F)

Notice of Intent Published: 25 IR 1672

Proposed Rule Published: April 1, 2002; 25 IR 2301

Hearing Held: May 2, 2002

Approved by Attorney General: August 21, 2002

Approved by Governor: August 27, 2002

Filed with Secretary of State: September 3, 2002, 3:34 p.m.

Incorporated Documents Filed with Secretary of State: None

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## **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

LSA Document #02-12(F)

### **DIGEST**

Adds 844 IAC 4-4.5 concerning requirements for licensure to practice medicine or osteopathic medicine. Adds 844 IAC 4-6-2.1 concerning mandatory renewal notice. Repeals 844 IAC 4-1-1, 844 IAC 4-4.1-1, 844 IAC 4-4.1-2, 844 IAC 4-4.1-3.1, 844 IAC 4-4.1-4.1, 844 IAC 4-4.1-5, 844 IAC 4-4.1-6, 844 IAC 4-4.1-7, 844 IAC 4-4.1-8, 844 IAC 4-4.1-9, 844 IAC 4-4.1-10, 844 IAC 4-4.1-11, 844 IAC 4-5-1, 844 IAC 4-6-2, 844 IAC 4-6-5, 844 IAC 4-6-8, and 844 IAC 4-7-5. Effective 30 days after filing with the secretary of state.

<b>844 IAC 4-1-1</b>	<b>844 IAC 4-4.1-10</b>
<b>844 IAC 4-4.1-1</b>	<b>844 IAC 4-4.1-11</b>
<b>844 IAC 4-4.1-2</b>	<b>844 IAC 4-4.5</b>
<b>844 IAC 4-4.1-3.1</b>	<b>844 IAC 4-5-1</b>
<b>844 IAC 4-4.1-4.1</b>	<b>844 IAC 4-6-2</b>
<b>844 IAC 4-4.1-5</b>	<b>844 IAC 4-6-2.1</b>
<b>844 IAC 4-4.1-6</b>	<b>844 IAC 4-6-5</b>
<b>844 IAC 4-4.1-7</b>	<b>844 IAC 4-6-8</b>
<b>844 IAC 4-4.1-8</b>	<b>844 IAC 4-7-5</b>
<b>844 IAC 4-4.1-9</b>	

SECTION 1. 844 IAC 4-4.5 IS ADDED TO READ AS FOLLOWS:

### **Rule 4.5. Licensure to Practice**

#### **844 IAC 4-4.5-1 Available licenses and permits**

Authority: IC 25-1-8-2; IC 25-22.5-2-7

Affected: IC 25-22.5-2

**Sec. 1.** An applicant may apply for the following:

**(1)** Unlimited license to practice medicine or osteopathic medicine by:

- (A)** examination; or
- (B)** endorsement.

**(2)** A temporary medical permit for an applicant who is applying for unlimited licensure by endorsement.

**(3)** A temporary medical permit for postgraduate training.

**(4)** A temporary medical teaching permit.

**(5)** A limited scope temporary medical permit for an applicant who holds an unrestricted license to practice in another state.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-1; filed Sep 3, 2002, 3:38 p.m.: 26 IR 28)

**844 IAC 4-4.5-2 Licenses and permits issued for general practice only**

Authority: IC 25-1-8-2; IC 25-22.5-2-7  
Affected: IC 25-22.5-2

Sec. 2. A medical license issued by Indiana is for the general practice of medicine. Regardless of the applicant's certification by a specialty board, neither a license nor a permit shall be issued unless the applicant has fulfilled the general licensure requirements of IC 25-22.5 and this article. (Medical Licensing Board of Indiana; 844 IAC 4-4.5-2; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29)

**844 IAC 4-4.5-3 Approved medical schools**

Authority: IC 25-22.5-2-7  
Affected: IC 25-22.5-2-7

Sec. 3. (a) An approved school of medicine or school of osteopathic medicine is one located within the United States, its possessions, or Canada and is recognized by either:

- (1) the Liaison Committee on Medical Education, which is jointly sponsored by the American Medical Association (AMA) and the Association of American Medical Colleges (AAMC); or
- (2) the American Osteopathic Association (AOA) Bureau of Professional Education.

(b) In order to be approved by the board for the purpose of obtaining a license or permit, a school of medicine or school of osteopathic medicine located outside of the United States, its possessions, or Canada must maintain standards equivalent to those adopted by:

- (1) the Liaison Committee on Medical Education, Functions and Structure of a Medical School, Standards for Accreditation of Medical Education Programs Leading to the M.D. degree, 2001; or
- (2) the Bureau of Professional Education of the American Osteopathic Association, Accreditation of Colleges of Osteopathic Medicine, 2001.

(c) A copy of such standards shall be available for public inspection at the office of the Health Professions Bureau, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204. Copies of such standards are available from the respective entity originally issuing the incorporated matter as follows:

- (1) The LCME Secretariat, American Medical Association, 515 North State Street, Chicago, Illinois 60610.
- (2) The Bureau of Professional Education of the American Osteopathic Association, 142 East Ontario Street, Chicago, Illinois 60611.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-3; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29)

**844 IAC 4-4.5-4 Approved postgraduate (internship and residency) programs**

Authority: IC 25-22.5-2-7  
Affected: IC 25-22.5-2-7

Sec. 4. An approved internship or residency program is one that was, at time the applicant was enrolled in the internship or residency program accepted by the:

- (1) Accreditation Council for Graduate Medical Education;
- (2) Executive Committee of the Council on Postdoctoral Training of the American Osteopathic Association; or
- (3) Royal College of Physicians and Surgeons of Canada.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-4; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29)

**844 IAC 4-4.5-5 Authentic documents required**

Authority: IC 25-22.5-2-7  
Affected: IC 25-22.5-2-7

Sec. 5. All documents required by law to be submitted to the board shall be originals or certified copies thereof.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-5; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29)

**844 IAC 4-4.5-6 Burden of proof**

Authority: IC 25-22.5-2-7  
Affected: IC 25-22.5-2-7

Sec. 6. Every applicant for licensure or temporary medical permit shall demonstrate that the applicant meets all of the qualifications required by Indiana statutes and by the rules of the board. In any proceeding before the board the burden of proof shall be on the applicant. (Medical Licensing Board of Indiana; 844 IAC 4-4.5-6; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29)

**844 IAC 4-4.5-7 Application for a license**

Authority: IC 25-22.5-2-7  
Affected: IC 25-1-8-2; IC 25-22.5-6-2.1

Sec. 7. (a) A person seeking licensure to practice medicine or osteopathic medicine shall file an application on a form supplied by the board and submit the fees required by 844 IAC 4-2-2.

(b) The applicant for a license shall provide the following:

- (1) Where the name on any document differs from the applicant's name, a notarized or certified copy of a marriage certificate or legal proof of name change must be submitted with the application.
- (2) One (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing of the application.
- (3) A certified copy of the original medical school or osteopathic medical school diploma. The following are requirements in the event that such diploma has been lost or destroyed:



(A) The applicant shall submit, in lieu thereof, a statement under the signature and seal of the dean of the medical school or osteopathic medical school or college from which the applicant graduated, stating that the applicant has satisfactorily completed the prescribed course of study, the actual degree conferred, and the date of graduation.

(B) The applicant shall submit an affidavit fully and clearly stating the circumstances under which his or her diploma was lost or destroyed.

(C) In exceptional circumstances, the board may accept, in lieu of a diploma or certified copy thereof, other types of evidence, which establish that the applicant received a medical school or osteopathic medical school or college diploma and completed all academic requirements relating thereto.

(4) If the applicant is the graduate of a school of medicine or osteopathic medicine in the United States, its possessions, or Canada, an original transcript of the applicant's medical education, including the degree conferred and the date the degree was conferred must be submitted. If the original transcript is in a language other than English, the applicant must include a certified translation of the transcript.

(5) If the applicant is a graduate of a school of medicine or osteopathic medicine outside the United States, its possessions, or Canada, the applicant must submit an original transcript of the applicant's medical education, including the degree conferred and the date the degree was conferred. If the original transcript is in a language other than English, the applicant must include a certified translation of the transcript. If an original transcript is not available, the applicant must submit the following:

(A) A notarized or certified copy of the original medical school or osteopathic medical school transcript, which must include the degree conferred and the date the degree was conferred.

(B) An affidavit fully and clearly stating the reasons that an original transcript is not available.

(6) If the applicant has been convicted of a criminal offense (excluding minor traffic violations), the applicant shall submit a notarized statement detailing all criminal offenses (excluding minor traffic violations) for which the applicant has been convicted. This notarized statement must include the following:

(A) The offense of which the applicant was convicted.

(B) The court in which the applicant was convicted.

(C) The cause number under which the applicant was convicted.

(D) The penalty imposed by the court.

(7) If the applicant is a graduate of a school of medicine or osteopathic medicine outside the United States, its possessions, or Canada, the applicant must submit a notarized copy of a certificate issued to the applicant by the Educational Commission on Foreign Medical Graduates.

(8) All applicants who are now, or have been, licensed to practice any health profession in another state must submit verification of license status. This information must be sent by the state that issued the license directly to the Indiana board.

(9) The applicant shall submit a self-query form completed by the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

(10) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

*(Medical Licensing Board of Indiana; 844 IAC 4-4.5-7; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29)*

#### **844 IAC 4-4.5-8 Licensure by examination**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 8. An applicant for licensure by examination must:

(1) Pass Steps I, II, and III of the United States Medical Licensing Examination or pass Steps I, II, and III of the Comprehensive Osteopathic Medical Licensing Examination.

(2) Meet the requirements of IC 25-22.5.

(3) Meet the requirements of this article.

*(Medical Licensing Board of Indiana; 844 IAC 4-4.5-8; filed Sep 3, 2002, 3:38 p.m.: 26 IR 30)*

#### **844 IAC 4-4.5-9 Licensure by endorsement**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3; IC 25-22.5-5-2; IC 25-22.5-6

Sec. 9. (a) In addition to complying with section 7 of this rule, an applicant for licensure by endorsement shall submit proof that the applicant satisfactorily completed the written examination provided by the:

(1) National Board of Medical Examiners (NBME);

(2) National Board of Osteopathic Medical Examiners (NBOME); or

(3) Federation of State Medical Boards of the United States, Inc. (FSMB).

(b) Acceptable examinations provided by an entity under subsection (a) are as follows:

(1) NBME.

(2) NBOME.

(3) Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA).

(4) Federation of State Medical Boards of the United States (FLEX).

(5) United States Medical Licensing Examination (USMLE).

(c) Endorsement from states requiring the NBME, NBOME, or FLEX will be honored if the examination was taken and passed in a manner that was, in the opinion of

the board, equivalent in every respect to Indiana's examination requirements at the time it was taken.

(d) Endorsement from states requiring the USMLE or COMLEX-USA for licensure will be honored if the examination requirements of the other state are equivalent to the requirements of section 12 or 13 of this rule.

(e) Licensure by endorsement may be granted to an applicant who obtained a license in another state before the FLEX, NBME, USMLE, or COMLEX-USA were used in that state if the applicant:

- (1) took an examination equivalent in every respect to Indiana's examination requirements at the time it was taken in another state; and
- (2) meets all of the other requirements of the board under IC 25-22.5 and this article.

*(Medical Licensing Board of Indiana; 844 IAC 4-4.5-9; filed Sep 3, 2002, 3:38 p.m.: 26 IR 30)*

#### **844 IAC 4-4.5-10 Requirements for taking the United States Medical Licensing Examination Step III**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 10. (a) In order to qualify to take Step III of the United States Medical Licensing Examination (USMLE), a graduate of a medical school in the United States, its possessions, or Canada must submit proof of the following:

- (1) Completion of the academic requirements for the degree of doctor of medicine or doctor of osteopathic medicine and graduation from a medical school or osteopathic medical school approved by the board.
- (2) Passage of both Steps I and II of the USMLE.
- (3) Completion, or expected completion within six (6) months, of one (1) year of postgraduate training in a hospital or institution in the United States, its possessions, or Canada that meets the requirements for an approved internship or residency under this rule.

(b) In order to qualify to take Step III of the USMLE, a graduate of a medical school outside the United States, its possessions, or Canada, including citizens of the United States, must submit proof of the following:

- (1) Passage of both Steps I and II of the USMLE.
- (2) Completion of a minimum of two (2) years of postgraduate training in a hospital or institution in the United States or Canada that meets the requirements for an approved internship or residency under this rule.
- (3) Certification by the Educational Commission on Foreign Medical Graduates.
- (4) Passing such other examinations as may be required by the board.

*(Medical Licensing Board of Indiana; 844 IAC 4-4.5-10; filed Sep 3, 2002, 3:38 p.m.: 26 IR 31)*

#### **844 IAC 4-4.5-11 Requirements for taking the Comprehensive Osteopathic Medical Licensing Examination United States Medical Licensing Examination Step III**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 11. (a) In order to qualify to take Step III of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA), a graduate of an osteopathic medical school in the United States, its possessions, or Canada must submit proof of the following:

- (1) Completion of the academic requirements for the degree of doctor of osteopathic medicine and graduation from an osteopathic medical school approved by the board.
- (2) Passage of both Steps I and II of the COMLEX-USA.
- (3) Completion of one (1) year of postgraduate training in a hospital or institution in the United States, its possessions, or Canada that meets the requirements for an approved internship or residency under this rule.

(b) In order to qualify to take Step III of the COMLEX-USA, a graduate of an osteopathic medical school outside the United States, its possessions, or Canada, including citizens of the United States, must submit proof of the following:

- (1) Passage of both Steps I and II of the United States Medical Licensing Examination.
- (2) Completion of a minimum of two (2) years of postgraduate training in a hospital or institution in the United States or Canada that meets the requirements for an approved internship or residency under this rule.
- (3) Certification by the Educational Commission on Foreign Medical Graduates.
- (4) Passing such other examinations as may be required by the board.

*(Medical Licensing Board of Indiana; 844 IAC 4-4.5-11; filed Sep 3, 2002, 3:38 p.m.: 26 IR 31)*

#### **844 IAC 4-4.5-12 Passing requirements for United States Medical Licensing Examination Step III**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 12. The following are the examination passing requirements for licensure:

- (1) A score of seventy-five (75) is the minimum passing score for Step III of the United States Medical Licensing Examination (USMLE).
- (2) An applicant may have a maximum of five (5) attempts to pass each step of the USMLE. Therefore, upon the fifth seating of each step of the exam, the applicant must obtain a passing score.
- (3) All steps of the USMLE must be taken and success-

fully passed within a seven (7) year time period. This seven (7) year period begins when the applicant first takes a step, either Step I or Step II. In counting the number of attempts regarding USMLE steps, previous attempts on the National Board Medical Examination and the examination of the Federation of State Medical Boards of the United States are included.

*(Medical Licensing Board of Indiana; 844 IAC 4-4.5-12; filed Sep 3, 2002, 3:38 p.m.: 26 IR 31)*

#### **844 IAC 4-4.5-13 Passing requirements for Comprehensive Osteopathic Medical Licensing Examination**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

**Sec. 13.** The following are the examination passing requirements for licensure:

- (1) A score of three hundred fifty (350) is the minimum passing score for Step III of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA).
- (2) An applicant may have a maximum of five (5) attempts to pass each step of the COMLEX-USA. Therefore, upon the fifth seating of each step of the exam, the applicant must obtain a passing score.
- (3) All steps of the COMLEX-USA must be taken and passed in sequential order within a seven (7) year time period. This seven (7) year period begins when the applicant first takes Step I. In counting the number of attempts regarding COMLEX-USA steps, previous attempts on the National Board Osteopathic Medical Examination are included.

*(Medical Licensing Board of Indiana; 844 IAC 4-4.5-13; filed Sep 3, 2002, 3:38 p.m.: 26 IR 32)*

#### **844 IAC 4-4.5-14 Temporary permits for endorsement applicants**

Authority: IC 25-22.5-2-7

Affected: IC 25-1-8-2; IC 25-22.5-5-2

**Sec. 14. (a)** An applicant seeking a temporary permit to practice medicine or osteopathic medicine based upon licensure in another state of the United States, its possessions, or Canada shall file an application for licensure and a temporary permit on a form supplied by the board and submit the fees required by 844 IAC 4-2-2.

**(b)** The applicant for a temporary medical permit shall submit the following:

- (1) One (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing the application.
- (2) Proof of holding a current and valid unrestricted license to practice medicine or osteopathic medicine in another state of the United States, its possessions, or Canada.

**(c)** All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

**(d)** A temporary medical permit issued under this section shall remain in effect for a period not to exceed ninety (90) days.

**(e)** If the application for licensure under IC 25-22.5-5-2 is denied, the temporary permit becomes null and void immediately upon denial.

**(f)** If an extension of the temporary permit past ninety (90) days is required due to an incomplete license application file, the request for an extension of time must be submitted in writing (via letter, facsimile transmission, or electronic mail transmission) to the director of the board and received prior to the expiration date of the temporary medical permit. *(Medical Licensing Board of Indiana; 844 IAC 4-4.5-14; filed Sep 3, 2002, 3:38 p.m.: 26 IR 32)*

#### **844 IAC 4-4.5-15 Temporary medical permits for postgraduate training**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

**Sec. 15. (a)** A temporary medical permit issued for postgraduate medical education or training shall include internships, transitional programs, residency training, or other postgraduate medical education in a medical institution or hospital located in Indiana that meets the requirements of section 4 of this rule. A temporary medical permit for postgraduate training may be issued to a person who has:

- (1) completed the academic requirements for the degree of doctor of medicine or doctor of osteopathic medicine from a medical school or osteopathic medical school approved by the board;
- (2) submitted an application for a temporary medical permit;
- (3) submitted one (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing the application;
- (4) paid the nonrefundable fee specified in 844 IAC 4-2-2; and
- (5) provided documented evidence of acceptance into a postgraduate medical education or training program located in Indiana which meets the requirements of section 4 of this rule.

**(b)** Graduates of a school outside of the United States, its possessions, or Canada must submit proof of certification by the Educational Commission on Foreign Medical Graduates.

**(c)** All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(d) A temporary medical permit issued under this section shall remain in force and effect for a period of one (1) year. A temporary medical permit issued under this section may be renewed for an additional one (1) year period, provided that the applicant submits an application and pays the nonrefundable fee. Temporary medical permits issued under this section to persons having passed Steps I and II of the United States Medical Licensing Examination (USMLE) or Comprehensive Osteopathic Medical Licensing Examination United States Medical Licensing Examination (COMLEX-USA), and who have failed Step III of the USMLE or the COMLEX-USA may be renewed and reissued to the applicant, at the discretion of the board.

(e) After seven (7) years expires from the date when the applicant first took a step of the USMLE or the COMLEX-USA, the temporary permit becomes invalid without further action of the board and cannot be renewed.

(f) A temporary medical permit issued under this section shall limit the applicant's practice of medicine or osteopathic medicine to the postgraduate medical education or training program in a medical education institution or hospital in Indiana approved by the board in which the applicant is employed, assigned, or enrolled, which limitation shall be stated on the face of the temporary medical permit.

(g) If training will occur in more than one (1) facility, the applicant must submit with the application for a temporary medical permit identifying information for each facility in which training will occur.

(h) A person issued a temporary medical permit under this section shall not accept, receive, or otherwise be employed or engaged in any employment as a physician unless approved by, or otherwise made a part or adjunct of, the applicant's postgraduate medical education or training program. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-15; filed Sep 3, 2002, 3:38 p.m.: 26 IR 32*)

#### 844 IAC 4-4.5-16 Temporary medical permits for teaching in an accredited medical school

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

Sec. 16. (a) A medical educational institution located in Indiana may apply for a temporary medical permit for teaching for a practitioner in the active practice of medicine outside of Indiana or the United States, but who is not licensed in Indiana, to teach medicine in the institution. The institution and the practitioner shall file an application, which shall include the following:

- (1) Documentation certifying the person's professional qualifications.
- (2) The term of the teaching appointment.
- (3) The medical subjects to be taught.

- (4) One (1) recent passport-type photograph of the person, taken within eight (8) weeks prior to filing the application.
- (5) The nonrefundable fee specified in 844 IAC 4-2-2.

(b) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(c) A temporary medical teaching permit issued under this section shall authorize the practitioner to teach medicine in the institution for a stated period not to exceed one (1) year.

(d) The temporary medical teaching permit must be kept in the possession of the institution and surrendered by it to the board for cancellation within thirty (30) days after the practitioner has ceased teaching in the institution.

(e) The permit authorizes the practitioner to practice in the institution only and, in the course of teaching, to practice those medical or osteopathic medical acts as are usually and customarily performed by a physician teaching in a medical educational institution, but does not authorize the practitioner to practice medicine or osteopathic medicine otherwise. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-16; filed Sep 3, 2002, 3:38 p.m.: 26 IR 33*)

#### 844 IAC 4-4.5-17 Limited scope temporary medical permits

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

Sec. 17. (a) A person not currently licensed to practice medicine in Indiana, yet licensed to practice medicine or osteopathic medicine by any board or licensing agency of any state or jurisdiction may make application for a limited scope temporary medical permit that, if issued under this section, shall remain valid for a nonrenewable period not to exceed thirty (30) days.

(b) A person seeking a limited scope temporary medical permit under this section shall do the following:

(1) Complete an application form supplied by the board, specifying the following:

- (A) The reasons for seeking a temporary medical permit.
- (B) The location or locations where the applicant will provide medical services.
- (C) The type, extent, and specialization of medical services that the applicant intends to, or may, provide.
- (D) The activity, organization, function, or event with regard to which the applicant may provide medical services.

(2) The applicant's residence and office addresses and phone numbers.

(3) Pay to the board the nonrefundable fee specified by 844 IAC 4-2-2, at the time the application for temporary medical permit is filed.

(4) Submit one (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing the application, simultaneously with filing the application for a temporary medical permit.

(5) Submit proof of holding a current and valid unrestricted license to practice medicine or osteopathic medicine in another state or jurisdiction.

(6) Submit a certified copy of the original medical school or osteopathic medical school diploma. The following requirements apply in the event that such diploma has been lost or destroyed:

(A) The applicant shall submit, in lieu thereof, a statement under the signature and seal of the dean of the medical school or osteopathic medical school or college from which the applicant graduated, stating that the applicant has satisfactorily completed the prescribed course of study, the actual degree conferred, and the date of graduation.

(B) The applicant shall submit an affidavit fully and clearly stating the circumstances under which his or her diploma was lost or destroyed.

(C) In exceptional circumstances, the board may accept, in lieu of a diploma or certified copy thereof, other types of evidence, which establish that the applicant received a medical school or osteopathic medical school or college diploma and completed all academic requirements relating thereto.

(c) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(d) Temporary medical permits issued under this section shall be limited to a specific activity, function, series of events, or purpose, and to a specific geographical area within the state, which limitations shall be stated on the temporary medical permit. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-17; filed Sep 3, 2002, 3:38 p.m.: 26 IR 33*)

#### **844 IAC 4-4.5-18 Temporary medical permits; discipline**

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

**Sec. 18.** A temporary medical permit issued under this rule may be sanctioned for failure to comply with, or otherwise satisfy, the provisions of IC 25-22.5 or IC 25-1-9. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-18; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34*)

#### **844 IAC 4-4.5-19 Notice of address change**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-2-7

**Sec. 19. (a)** Every person issued a permit or license shall inform the board of the following in writing by mail, facsimile transmission, or electronic mail transmission:

(1) Each address where he or she is practicing medicine or osteopathic medicine within twenty (20) days after commencing such practice.

(2) All changes of address, including additional practice locations and residential addresses, or removals from such addresses within twenty (20) days of each such occurrence.

(b) Where the practitioner has more than one (1) address, the practitioner must notify the board which of the addresses is the practitioner's primary mailing address.

(c) A practitioner's failure to receive notification of licensure or permit renewal due to a failure to notify the board of a change of address shall not constitute an error on the part of the board nor shall it exonerate or otherwise excuse the practitioner from renewing such license or permit as required by law. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-19; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34*)

SECTION 2. 844 IAC 4-6-2.1 IS ADDED TO READ AS FOLLOWS:

#### **844 IAC 4-6-2.1 Mandatory renewal; notice**

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

**Sec. 2.1. (a)** On or before sixty (60) days prior to June 30 of odd-numbered years, the board, or its duly authorized agent, shall issue a notice of expiration to each holder of a license that the holder is required to renew the holder's license.

(b) This notice will be sent to the address of record. If the practitioner has moved since the last renewal and has not notified the board of the new address, the board is not responsible for the untimely renewal of said license or its subsequent denial. (*Medical Licensing Board of Indiana; 844 IAC 4-6-2.1; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34*)

SECTION 3. THE FOLLOWING ARE REPEALED: 844 IAC 4-1-1; 844 IAC 4-4.1-1; 844 IAC 4-4.1-2; 844 IAC 4-4.1-3.1; 844 IAC 4-4.1-4.1; 844 IAC 4-4.1-5; 844 IAC 4-4.1-6; 844 IAC 4-4.1-7; 844 IAC 4-4.1-8; 844 IAC 4-4.1-9; 844 IAC 4-4.1-10; 844 IAC 4-4.1-11; 844 IAC 4-5-1; 844 IAC 4-6-2; 844 IAC 4-6-5; 844 IAC 4-6-8; 844 IAC 4-7-5.

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